

CALCUTTA GAZETTE

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Part-3

Jan - June
1901

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The Calcutta Gazette.

WEDNESDAY, APRIL 17, 1901.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled under the provisions of the Indian Councils Acts, 1861 and 1892.*

The Council met in the Council Chamber on Saturday, the 30th March,
1901.

Present:

- The Hon'ble SIR JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal,
presiding.
- The Hon'ble MR. P. NOLAN.
- The Hon'ble MR. C. E. BUCKLAND, C.I.E.
- The Hon'ble MR. R. B. BUCKLEY.
- The Hon'ble MR. F. A. SLACKE.
- The Hon'ble MR. E. N. BAKER, C.S.I.
- The Hon'ble MR. B. L. GUPTA.
- The Hon'ble MR. R. T. GREER.
- The Hon'ble BABU TARINI KUMAR GHOSE.
- The Hon'ble MAULVI SYED MAHOMED.
- The Hon'ble DR. ASUTOSH MUKHOPADHYAYA, M.A., D.L., F.R.A.S., F.R.S.E.
- The Hon'ble BABU BOIKANTA NATH SEN.
- The Hon'ble BABU SURENDRANATH BANERJEE.
- The Hon'ble MR. H. ELWORTHY.
- The Hon'ble MR. G. H. SUTHERLAND.
- The Hon'ble MR. M. S. DAS.
- The Hon'ble MR. A. M. BOSE.
- The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA OF MURSHIDABAD.

NEW MEMBERS.

The Hon'ble MR. P. NOLAN, the Hon'ble MR. R. T. GREER, the Hon'ble BABU TARINI KUMAR GHOSE, the Hon'ble MR. A. M. BOSE and the Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA OF MURSHIDABAD took their seats in Council.

QUESTIONS AND ANSWERS.

SALT DEPARTMENT INSPECTORS.

The Hon'ble DR. ASUTOSH MUKHOPADHYAYA said :—

I.—Will the Government be pleased to enquire and state if there is any rule or practice which regulates the appointment of Probationary Inspectors in the Orissa Salt Department, their confirmation and their promotion to the office of Superintendent?

II.—Will the Government be pleased to enquire and state the circumstances under which Mr. F. E. Ager was appointed a Probationary Inspector in the Orissa Salt Department and promoted to the Superintendentship of the Balasore District?

III.—Will the Government be pleased to enquire and state whether it is true that Mr. Ager superseded several Inspectors, both European and Indian, who were senior to him and had efficiently served from two to twenty-two years?

IV.—Will the Government be pleased to enquire and state whether there were any, and, if any, what special circumstances in Mr. Ager's case; and whether there have been any similar cases within the last three years?

The Hon'ble MR. BAKER replied :—

No. I.—“There is no separate Orissa Salt Department. The Bengal Salt Department is of quite recent creation, the scale of establishment including the two probationary Inspectors having been sanctioned only last year. No rules for making appointments have been framed, and no particular practice has yet come into existence.”

“Taking Nos. II, III and IV together, Mr. Ager was appointed Probationary Inspector in March, 1900, with the distinct intention of appointing him to be a Superintendent on the occurrence of a suitable vacancy. At the time of his appointment, there were nine Inspectors, all of whom had less than four years' service except two, who were not likely to be promoted to Superintendentships. Mr. H. U. Baker to whose vacancy Mr. Ager succeeded had been appointed a Superintendent direct.”

PLEADERS IN THE SONTHAL PARGANAS. ADMITTANCE OF PLEADERS, MUKHTEARS AND THEIR CLERKS INTO OFFICES ATTACHED TO CIVIL COURTS.

The Hon'ble BABU BOIKANTA NATH SEN asked :—

I.—Is the Government aware that, notwithstanding the provision in section 340, Criminal Procedure Code, Act V of 1898, that “every person accused before any Criminal Court may of right be defended by a pleader,” accused persons are not allowed, as a rule, to exercise the right in the Criminal Courts of Original and Appellate Jurisdiction in the Sonthal Parganas, and that they are permitted to be defended by pleaders in rare and exceptional cases only?

If so, will the Government be pleased to state whether it approves of the curtailment of the right of an accused person in respect of his defence, and whether it considers the same to be in accordance with law and justice?

II.—Is the Government aware that, with the exception of the Deputy Commissioner and the Sub-divisional Officers, all other officers presiding over Criminal Courts in the Sonthal Parganas are prohibited, by circular orders issued by local authorities, from permitting accused persons to be defended by pleaders without the sanction of their immediate superiors in office?

Have such circular orders by local authorities been issued with the knowledge or approval of the Government, and does the Government consider it proper or just or necessary to restrict the officers presiding over Criminal Courts in the exercise of their discretion in connection with the permission aforesaid?

III.—Will the Government be pleased to state whether, in view of the existing circumstances and conditions of the Sonthal Parganas, it considers that there is any valid reason why accused persons should not be allowed to be defended by pleaders in any case, in the face of the provision in section 340, Criminal Procedure Code?

Does the Government consider the non-application of the Legal Practitioners' Act (Act XVIII of 1879, as amended by Act IX of 1884) to the Sonthal Parganas as a bar to the exercise of the right conferred by the said section 340? If so, will the Government be pleased, by the exercise of the authority given to it by Regulation III of 1899, to declare that the said Legal Practitioners' Act shall be deemed to be in force in the Sonthal Parganas, or otherwise to remove the grievance of the accused persons by issuing the necessary orders or instructions to officers presiding over Criminal Courts in the said Parganas to permit them to be defended in all cases by pleaders, as defined in section 4, clause (r) of the Criminal Procedure Code of 1898?

IV.—Will the Government be pleased to state whether, by its Circular (Judicial) No. 1259J, dated the 13th February, 1901,* issued under the signature of the Hon'ble the Officiating Chief Secretary to the Government of Bengal, the Government intends to prevent the admittance of pleaders, mukhtears, and their clerks in the offices attached to all Civil Courts?

* Circular No. 1259J, dated Calcutta, the 13th February, 1901.

From—C. E. BUCKLAND, Esq., C.I.E., Offg. Chief Secy. to the Govt. of Bengal.

JUDICIAL.

SIR,

I AM directed to say that the following rule has been issued by the Government for incorporation in the Revenue Officers' Manual:—

"With a view to the better conduct of business in Collectorate offices, the Lieutenant-Governor has been pleased to order that at the entrance of each office room occupied by clerks or muharrirs or copyists shall be placed a wicket gate with a spring. Inside each such office is to be kept a list showing who are the officers entitled to occupy the room. Outside the entrance to the room should be hung in a conspicuous place a board, having printed on it, both in English and the vernacular, 'No admittance for the public.' The Collector and the Deputy Collector in charge of a department should visit at unstated times during office hours the room occupied by its subordinates, and call the roll; and, in the event of his finding any outsiders within the room, the ministerial head of the department should be punished, since he is to be held responsible that the public do not enter the room."

2. The Lieutenant-Governor desires that the above instructions should be followed by all Civil Courts for the better conduct of business in their offices, and I am to request that you will be so good as to issue the necessary orders in the matter.

The Hon'ble MR. BUCKLAND replied:—

To Question No. I.—

"Section 340 of the Code of Criminal Procedure must be read with section 4, (r) of the same Code, which in the case of the Sonthal Parganas considerably limits the application of section 340.

"As the Legal Practitioners' Act is not in force in that district, section 340 is only operative in respect of any person 'appointed with the permission of the Court to act in such proceeding.' Under Government orders of long standing it is left to the discretion of the local officers to determine whether or not in any specific case permission shall be given by the presiding judicial officer to a pleader to appear in that capacity and as next friend of the party whom he advises. The parties therefore are not debarred from exercising any rights which they possess.

"The rights of no accused person have been curtailed, and the standing orders in the Sonthal Parganas the Lieutenant-Governor does not intend to change."

To Question No. II.—

“The circular orders in question, if issued, have not been reported to Government. Government do not propose to interfere with the action of the Commissioner or Deputy Commissioner in the matter.”

To Question No. III.—

“It has long been the settled policy of Government not to allow pleaders to practise without restriction in the Sonthal Parganas. Government have therefore no intention of declaring the Legal Practitioners' Act to be in force in that district. The fact that this Act is not in force prevents, as has already been explained, section 340 of the Code of Criminal Procedure, conferring a right on parties to be represented by pleaders: but Government have no reason to suppose that the local Courts, acting under section 4 (r) of that Code, refuse permission to pleaders to appear and defend accused persons according to the practice which has long been in force.”

To Question No. IV.—

“By the Circular No. 1259J, dated the 13th February, 1901, it was intended to prevent all persons from entering the Government offices attached to all Civil Courts, except the Government clerks, muharrirs or copyists employed in those Government offices.

“Orders will be issued for arrangements to be made, by structural arrangements, counters or otherwise, for the public (including pleaders, mukhtars and their clerks) to have, for legitimate business, means of communication with the Government officials without entering the offices in question.”

EXCISE IN MUNICIPALITIES.

The Hon'ble MR. A. M. BOSE said:—

I.—I beg to invite the attention of the Government to the provisions of section 84 of Bengal Act VII of 1878, which empowers the Government, with the sanction of the Governor General in Council, to assign to the Corporation of Calcutta or to any other Municipality all or any of its powers in respect of the granting, withholding, and withdrawal of licenses for the sale of excisable articles; and to enquire if such assignment has up to now been made to any of the Municipalities, and, if so, to which of them? Should no such assignment have been made, will the Government be pleased to take early steps for giving a reality and practical shape to the permissive powers conferred on it by the section referred to?

The Hon'ble MR. BAKER replied:—

“The provisions of section 84 of Bengal Act VII of 1878 have not been applied in Calcutta, or any other Municipality in Bengal. The question was discussed between the Governments of Bengal and of India in 1889, and the conclusion at which both Governments arrived was that no such system could be successfully administered. In that conclusion the Lieutenant Governor concurs.”

FLOODS IN THE DUM-DUM SUB-DIVISION.

The Hon'ble MR. A. M. BOSE asked:—

II.—(a) Has the attention of the Government been drawn to the serious suffering and damage caused to the inhabitants of a large number of villages in the neighbourhood of Dum-Dum during the heavy rains of September last, owing to the obstruction caused to the flow of water towards the Salt Water lakes by the Bengal Central Railway line; and to the following observations made by Mr. Tyall, the Magistrate of the 24 Parganas, after his inspection of the locality in his letter to the Commissioner of the Presidency Division:—“I have no hesitation in saying that the culverts between Dum-Dum Junction and Dum-Dum Cantonment are ridiculously inadequate for the water they have to carry off. The difference in the water-level is nearly two feet at the openings themselves, and the water is roaring through as in a mill sluice. I attribute

a good deal of the unhealthiness of Sinthee (through which I rode) and the insecurity of the crops to the north-west of Bengal Central Railway line to this cause, and I think the Bengal Central Railway Company should be called on to provide adequate waterways?"

(b) Is it also the fact that the Sub-divisional Officer of Baraset has reported that this portion of the line is a serious obstruction to the drainage of the country?

(c) Will the Government be pleased to state what steps have been taken to remedy the defects pointed out, and with what result?

(d) Will the Government be also pleased, in the interests of people who are frequently too poor and too ignorant and helpless to make a representation on their own behalf, to direct an enquiry and call for a report as to the adequacy or otherwise of the culverts to carry off the water during the rains in other portions of the line referred to?

The Hon'ble MR. BUCKLEY replied:—

"The attention of Government has been drawn to the effects of the heavy rainfall of September last in the neighbourhood of Dum-Dum. The waterways were provided to meet normal floods. An entirely unprecedented flood, such as that of last year, could not be met at any reasonable cost. The question of providing increased waterway within reasonable limits is under enquiry."

THE SIBPUR AGRICULTURAL FARM.

The Hon'ble MR. A. M. BOSE asked:—

III.—Is the Government aware of the extremely unhealthy character, through want of drainage and otherwise, of the site occupied by the Sibpur Agricultural classes and the Farm attached thereto; and of the need of making better arrangements for the godown, and providing healthier and more suitable accommodation for the Agricultural Lecturer as well as for the Overseer and the Farm labourers? Have any steps been taken to remedy these defects? If not, will the Government be pleased to make suitable provision for the purpose in the Budget for the next year?

The Hon'ble MR. SLACKE replied:—

"Government has for some time been aware of the unhealthy nature of the site of the Sibpur Agricultural Farm, and drainage works are now being carried out which will, it is hoped, effect an improvement.

Improvements to the godowns have been sanctioned, and will be carried out in the next financial year.

"With regard to improving the quarters of the Agricultural Lecturer, pending the decision of the question whether the Farm is to be removed to another site, no action will be taken.

"It is not proposed to make any change in the Overseer's quarters; but with regard to those of the Farm labourers improvements are, it is understood, about to be made."

MID-YEAR SALES OF TENURES.

The Hon'ble MR. SLACKE called attention to the following question asked by the Hon'ble Raja Ranajit Sinha Bahadur, of Nashipur, at the Meeting of Council held on the 21st July, 1900:—

IV.—Having regard to the fact that the dates fixed by Collectors for mid-year sales of tenures under Regulation VIII of 1819 are not in accordance with the provisions of section 8, clause 3, of the said Regulation, and are not uniform in all the districts on account of the intervention of Durga and Lakhi Puja holidays, will the Government be pleased to issue general instructions enjoining on all the District Officers either to fix the 1st of Agrahan, as provided in the Regulation, as the date of sale, or some other date to be fixed for all the districts upon some uniform calculation?"

and to the following answer which he then gave; *viz* :—

"The report called for from the Board on the question has not been yet received, and until it comes, the Lieutenant-Governor regrets that the question of the Hon'ble Member cannot be answered."

The Hon'ble Mr. SLACKE then said :—

"The report having been received, the answer is as follows :—

"Instructions have recently been issued by the Board enjoining on District Officers that patni sales should invariably be held on the 1st Jesh and Agrahan or on the first following day on which the Courts are open"

VERNACULAR TEXT BOOKS.

The Hon'ble Mr. A. M. BOSE said :—

IV.—With reference to the new scheme for the preparation of books for vernacular education, published in the Calcutta Gazette of the 13th March, (Part I, page 297), will the Government be pleased to re-consider the innovation introduced therein requiring the authors of vernacular text-books, whether in vernacular literature comprising Prose, Poetry, Grammar and Composition, or in Arithmetic, or Euclid, or Historical, Geographical or Science Reader, to submit them, accompanied by a type-written literal English translation of their respective works? Has the Government taken into consideration the fact that the introduction of this rule will seriously handicap many vernacular authors of repute whose knowledge of English or means may be limited, and that it will keep out a good many desirable candidates and materially reduce the field of selection? Is it intended that the examination of these vernacular text-books will be entrusted to any individual or Committee wholly ignorant, or without a competent knowledge, of the vernacular?

The Hon'ble Mr. SLACKE replied :—

"The Government is willing to dispense with a translation in the case of the following books only :—

Lower Primary	...	{ Alphabet and Spelling Book
		{ Arithmetic Book.
Upper Primary	...	{ Literature Book.
		{ Arithmetic Book.
Middle School	...	{ Literature Book.
		{ Arithmetic Book.
		{ Euclid 1st Book.

"With regard to the others a translation will be necessary, and Government does not think this will keep out any desirable candidates. It is not intended to entrust the examination of these books to a Committee, or an individual wholly ignorant or without competent knowledge of the vernacular."

CANAL IN FARIDPUR.

The Hon'ble Mr. A. M. BOSE asked :—

V.—Will the Government be pleased to state what progress has already been made in the canal now being excavated from the Madhumati to the Kumar River in the district of Faridpur, and when it is likely to be finished? Will it be pleased to take early steps for the completion of the canal?

The Hon'ble Mr. BUCKLEY replied :—

"The work in question can hardly be called a canal. It is a connection between two rivers which will only be navigable for about two to three months in the rainy season. The work which it is at present proposed to carry out will be completed before the coming rains. The scheme is capable of future development if the traffic which follows the route is sufficient to justify further expenditure."

WANT OF WATER IN FARIDPUR VILLAGES.

The Hon'ble Mr. A. M. BOSE asked :—

VI.—Is the Government aware that in the greater part of the bil tract in Faridpur, specially in such villages as Woolpur, Karpara, Bathafi, Narikelhari, &c., within the jurisdiction of thana Gopalgunge, there is very great

scarcity of drinking water during the hot months, from March till June, causing considerable suffering to the people, the available supply being virtually a kind of liquid mud? Will it be pleased to direct that proper measures may be taken to mitigate this suffering?

The Hon'ble MR. BAKER replied:—

“Government has no special information on the subject, but a report will be called for.”

DRINKING WATER IN VILLAGES.

The Hon'ble MR. A. M. BOSE said:—

VII.—I have the honour to enquire if it would be practicable to have a statement prepared showing the progress that has been made, district by district, within the last three years in the making of arrangements by District Boards and otherwise for supplying drinking water to villagers; together with a description of the requirements of the people in different parts of each district? If so, will the Government be pleased to place this statement on the table?

The Hon'ble MR. BAKER replied:—

“A summary of the work done by District Boards in providing for the supply of drinking water is given in columns 1—7 of Form IV attached to the Annual Report on the working of District Boards in Bengal. Copies of the Reports for the last three years will be laid on the table.”

THE PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU SURENDRANATH BANERJEE said:—

I.—I have the honour to invite the attention of the Government to the memorial presented by the Indian Association for the improvement of the position and prospects of the members of the Provincial Executive Service, and to enquire what measures, if any, have been taken with a view to secure this important object?

The Hon'ble MR. BUCKLAND replied:—

“The memorial has been carefully considered, and matured proposals have been submitted to the Government of India.”

JUDICIAL BRANCH OF THE PROVINCIAL SERVICE.

The Hon'ble BABU SURENDRANATH BANERJEE asked:—

II.—(a) Has the attention of the Government been directed to the grievances of the members of the Judicial Branch of the Provincial Service as described in the columns of the *Statesman* and other newspapers? If so, will the Government be pleased to state what steps it has taken to remedy them?

(b) Is it the fact that there is a marked disparity in the matter of promotion between the members of the Executive Branch and those of the Judicial? And is it the case that (i) while generally speaking a Munsif when he is 38 or 39 years of age counts only five or six years of service, and is able to earn only a salary of Rs. 250 a month, a Deputy Magistrate of that age expects to get Rs. 500 a month with about sixteen years of service behind him; (ii) that while a Deputy Magistrate can reasonably expect to attain to the Rs. 400 grade after only ten years of service at the comparatively early age of 35, a Munsif hardly ever attains to that status till he is 48 years of age and has served fifteen or sixteen years? Is not this disparity due to the present mode of recruitment of the Munsifs at the age of 32 or 33 when the Deputy Magistrate is generally an officer of ten years' standing?

(c) Is it the case that under the present conditions of service a Munsif cannot and does not attain to the rank of a Subordinate Judge before his fifty-second year, and his period of service in that capacity is thus reduced to two to three years?

(d) Does the Government consider the present state of things as all conducive to the efficient administration of justice? If not, will the Government be pleased to take early steps with a view to remedy it? If it be deemed inexpedient to alter the mode of recruitment of the Judicial Branch, will the Government be pleased to consider favourably the suggestion to create a Rs. 500 grade in the rank of Munsifs or take such other steps as the Government may in its wisdom think fit to improve the status of the Service?

The Hon'ble Mr. BUCKLAND replied:—

"A scheme for the improvement of the Judicial Branch of the Provincial Service has been submitted to the Government of India.

"The remainder of the Hon'ble Member's questions are very like those put on the 21st July, 1900, by the Hon'ble Babu Boikanta Nath Sen, and the same answer is now given, viz.:—'Most of the information asked for is already available in the Bengal Quarterly Civil List, an authoritative publication of Government: moreover, in contravention of Rule 9 of the Rules as to the asking of questions in this Council, the questions of the Hon'ble Member are of an argumentative character.'"

DETECTIVE POLICE.

The Hon'ble BABU SURENDRANATH BANERJEE said:—

III.—I have the honour to call attention to the following remarks passed by a Divisional Bench of the High Court consisting of Justices Amoy Ali and Pratt in a recent case of murder alleged to have been committed at Bogra:—

"We desire to express our regret that the other perpetrators of the cruel and outrageous crime have escaped punishment. It is pretty clear from the medical testimony and other circumstances that the crime could not possibly have been committed without the complicity of a number of people. The fact that the other persons concerned in the crime have escaped their just punishment is, in our opinion, due to the Police. There seemed to have been no endeavour made to trace the movements of men who were accused, or to place them in such a position as would enable the officers to find out the connection of the different accused with each other. We know that the Police in this country, generally speaking, do not possess the detective faculty. So long as they can obtain a confession, and, if there are a number of accused, turn the person confessing into an approver, they seem satisfied with the result. It is not for this Court to teach the Police how to do their work. But we cannot help observing that in any other civilised country, without any resort to ill-treatment or oppression, effective steps would have been taken in the course of the investigation, or during the enquiry before the committing Magistrate, to bring home the crime to the other perpetrators."

Will the Government be pleased to consider the propriety of creating a Detective Department for each Division, manned by trained detectives, for enquiry into cases of crime which the ordinary Police are not able to cope with?

The Hon'ble Mr. BUCKLAND replied:—

"Government have the subject under consideration."

EXTENDED EMPLOYMENT OF NATIVES IN THE CUSTOMS.

The Hon'ble BABU SURENDRANATH BANERJEE said:—

IV.—(a) I have the honour to call attention to the following remarks of the Government of Bengal on the letter of the Indian Association regarding the wider employment of natives of India in the higher offices in the minor Civil Services:—

"Customs.—These are conditions under which at present no ordinary native of Bengal would be able to discharge those duties (connected with the Preventive Service) without constant and undesirable friction, and that is the reason why natives have not in practice been appointed. No application from a native for appointment to the Preventive Service appears to have even been received."

(b) Is the Government aware that there is now a Bengali Christian, who is employed as a Preventive Officer at the Port of Chittagong, and that he is the senior Preventive Officer at that Port?

(c) Is it the case that a vacancy having recently occurred among Preventive Officers attached to the Customs Department in Calcutta, this Bengali officer applied for the post and was strongly recommended by the Collector of Customs at Chittagong, but that his application was rejected?

(d) Having regard to this case and the willingness of natives of Bengal to be employed in the Preventive Service, will the Government be pleased to consider the propriety of giving them a trial?

The Hon'ble MR. BAKER replied :—

"The passage quoted in the question had reference to the Port of Calcutta, and not to the minor ports, in which the Preventive establishments are comparatively small and unimportant, and the local conditions are different.

"Government has no information as to the facts stated in the second and third parts of the question.

"The rules already permit of the employment of natives of India in the Preventive Service; but the Lieutenant-Governor agrees in the view expressed by the Government of India that 'there are practical objections, from the point of view of the public interests and the wishes of natives themselves, to the appointment of a native, save under exceptional circumstances, to be a Preventive Officer.'"

MR. PENNELL'S CASE.

The Hon'ble BABU SURENDRANATH BANERJEE said :—

V.—(a) With reference to the suspension of Mr. Pennell, late District and Sessions Judge of Noakhali, will the Government be pleased to state whether it consulted the Law Officers of the Crown before suspending him?

(b) If it did not, then having regard to the strong differences of opinion expressed in the newspaper press as to the legality of the suspension, will the Government be pleased to consider the propriety of doing so now?

(c) Will the Government be pleased to state what further action it proposes to take with regard to Mr. Pennell, and whether he will be tried under Act XXXVII of 1850?

VI.—I have the honour to call attention to the following observations made by Mr. Pennell in his judgment in the murder case recently disposed of by him :—

"Mr. Corbett was nominally punished with the stoppage of his promotion for one year. No sooner were the Government orders issued than he was transferred from the undesirable station of Backergunge to Ranchi, which is well known as a sanitarium; and he has remained there ever since. Further, the last Civil List shows that he has been put back over the heads of all the Police officers of his year, with the exception of Mr. Justice Stevens' son, who were confirmed before him."

Will the Government be pleased to state if the statements made in the last sentence of the above extract are true? If so, how is it possible to reconcile them with the stoppage of Mr. Corbett's promotion?

VII.—I have the honour to call attention to the following extract from the judgment of Mr. Pennell in the murder case :—

"An expression of the Lieutenant-Governor's severe displeasure was conveyed to Mr. Bradley, whose conduct, in the opinion of the Governor General in Council, 'amounted to little short of persecution, and was a flagrant abuse of the authority with which as a Police officer he was entrusted.' Between the first and second of these verbal castigations, Mr. Bradley was appointed to officiate as District Superintendent of Police of Muzaffarpur, the prize district of Bengal, in succession to a very senior officer who is Mr. Bourdillon's brother-in-law: and there Mr. Bradley has remained up to date."

Are the statements made in the above extract substantially true? If so, how is it possible to reconcile a communication of the displeasure of the Government with Mr. Bradley being permitted to retain Police charge of what is described as "a prize district of Bengal"?

VIII.—Has the attention of Government been called to the following observations made by Mr. Pennell in his judgment in the murder case?—

“The Police Department is the most ‘genteel’ of the refuges for the destitute in the Indian Empire, and that there is hardly a man in high place out here who has not got in that department some relative of whom perhaps he may not be very proud, but whom he has no wish to have on his hands.”

The Hon'ble MR. BUCKLAND replied:—

“Government decline at present to answer any question regarding Mr. Pennell or his judgment.”

RECRUITMENT FOR THE HIGHER POLICE APPOINTMENTS.

The Hon'ble BABU SURENDRANATH BANERJEE said:—

IX.—Will the Government be pleased to lay on the table a statement showing the names of Assistant and District Superintendents of Police who are related to high officials in the Covenanted or the Provincial Service, and the circumstances of their admission into it, whether by nomination or competition?

The Hon'ble MR. BUCKLAND replied:—

“The statement asked for cannot be given. The Police Service has been recruited in various methods since 1861. Since 1893 the Service has been recruited entirely by competition, partly in London and partly in India, with the occasional promotion of deserving Inspectors.”

POLICE SUB-INSPECTOR OSMAN ALI OF NOAKHALI.

The Hon'ble BABU SURENDRANATH BANERJEE asked:—

X.—Is it the case that a Police officer, named Osman Ali, has, for 25 years, been stationed in the Noakhali district? Are there any rules regulating the transfer of Police Officers? If so, were these rules applied to Osman Ali? If not, why not?

The Hon'ble MR. BUCKLAND replied:—

“The Police Sub-Inspector referred to has served in the Noakhali district during his whole service of 26 years, except a period of three months and twelve days in the Backergunge district. There are rules in the Police Code regarding the transfer of police officers. Ordinarily an officer is not kept at a station for more than five years, except for special reasons. There is no limit to the time which a Sub-Inspector may serve continuously in a district. It has been ascertained that Osman Ali has been at Ho thana in the district for more than five years, and at the Sadar thana since 3rd March, 1899.”

BENGAL FINANCIAL STATEMENT FOR 1901-1902.

The Hon'ble MR. BAKER laid on the table the Financial Statement for 1901-1902, with explanatory notes. He said:—

“I beg to lay on the table the Financial Statement for 1901-1902, together with the usual appendices and accounts.

“It may be convenient for Members if I endeavour to state briefly those features of the budget which are likely to be of general interest. The year which is just about to close has been one of more than usual prosperity in Bengal. In March, 1900, we estimated the probable revenue of the year at Rs. 4,69,74,000. It has exceeded this figure by Rs. 13,68,000. The cash balance with which the year opened also exceeded that on which we then

calculated by Rs. 3,12,000. The expenditure of the year has been practically just what we estimated it at, being better by the comparatively trifling sum of Rs. 26,000. The result has been that we find ourselves at the beginning of 1901-1902 with a cash balance of 42 lakhs of rupees, or 22 lakhs more than we are required by the rules to maintain. There is no advantage in hoarding this sum, and it has been decided to apply it in carrying out some of the many useful projects involving expenditure which have been suggested, elaborated, and only too often pigeonholed for want of funds. These are set forth in the body of the budget in their proper places, but I will enumerate some of the most important.

"In the first place, we propose to set apart a sum of Rs. 4,80,000 for improving the financial position of District Boards, by assigning them a sum approximately equal to 10 per cent. on the collections of Public Works Cess. It has long been felt that the resources of the Boards are not elastic enough to enable them to discharge their duties efficiently, especially in the very important matter of roads. And though it is not permitted to us, under the existing system of Provincial Finance, to permanently alienate any part of the Provincial Revenue, we shall do what we can, now that funds are available.

"We also propose to give further assistance to District Boards and Municipalities in two ways. Firstly, we take over, as a Provincial charge, the cost of maintaining the plague inspection camps at Chausa, Mairwa, and elsewhere, which have hitherto been paid for by local bodies. Secondly, we have increased the budget allotment for grants-in-aid of plague expenditure by local bodies by Rs. 2,15,000.

"Then, we have made a provision of Rs. 1,25,000 for a Provident Fund for *gurus* teachers in primary schools. This is a new proposal, the details of which are being worked out in the Education Department, and which will require the sanction of higher authorities before it is carried out. We hope in this way to effect a substantial improvement in the position of these indispensable servants of the public.

"Then, we provide Rs. 1,40,000 for expenditure on schemes for improving the position and prospects of the Provincial Civil Service in both the Judicial and Executive Branches. This matter, reference to which was made in to-day's proceedings, has formed the subject of a good deal of agitation in the Press; and though some of the statements put forward seem to me to be too highly coloured, yet we are satisfied that a case has been made out for a substantial measure of improvement. Here, again, I would remind those interested that any scheme will require the previous sanction of the Government of India and the Secretary of State, and it is not in our power to hold out any definite or specific promise, though we shall certainly do the best we can.

"Then, we increase the grant of the Public Works Department by Rs. 8,38,000, raising their total allotment to Rs. 45,88,000. The greater part of this increase is earmarked for particular works, including the acquisition of land for the extension of the High Court, the completion, approximately, of the General Hospital, and the completion of the works for the protection of Darjeeling against landslips. I should have liked to see a larger grant allotted to this Department if it had been possible.

"The remainder of our surplus we propose to expend on increased building grants for the Deaf and Dumb School, the Diocesan Girls' School and other institutions; on the establishment of an experimental dairy farm at Pusa; on the development of the Veterinary Department; on the provision of additional space required for Christian and Muhammadan cemeteries, and various other projects of minor importance.

"In allotting these funds, we have been careful not to commit ourselves to too large a proportion of recurring charges, *i.e.*, to expenditure which is not incurred once for all, but has to be repeated and provided for in following years.

"These, I think, are all the features of interest to which I need allude on the present occasion. The Financial Statement will in the ordinary course be discussed at the next Meeting of Council on April 12th, and I hope that any Member who desires to bring forward any point in the course of that discussion, will as usual give us notice three or four days before hand."

EXPLANATORY NOTES ON THE BENGAL FINANCIAL STATEMENT FOR 1901-1902.

PART I.—General Review.

ACCOUNTS OF 1899-1900.

In the revised estimates for 1899-1900, as shown in last year's Financial statement, the opening balance was taken at Rs. 31,16,000, the receipts of the year at Rs. 4,71,07,000, the expenditure at Rs. 4,67,17,000, and the closing balance at Rs. 35,06,000. The actual accounts have turned out rather more favourable. The receipts improved by Rs. 3,26,347, chiefly under Land Revenue, Stamps (Non-judicial), Provincial Rates, and Irrigation. The expenditure was greater by Rs. 14,448, and the opening balance was also slightly better than had been estimated. The year closed with a balance of Rs. 38,18,388.

REVISED ESTIMATE FOR 1900-1901.

2. The budget estimate for 1900-1901, as passed by the Government of India, assumed that the year would open with a credit balance of Rs. 35,06,000, that the total revenue would amount to Rs. 4,69,74,000, and the total expenditure to Rs. 4,79,82,000, so that the year would close with a balance of Rs. 24,98,000. The latest estimate available for the accounts of the year shows that the total receipts will probably be Rs. 4,83,42,000, which is better than was originally expected by Rs. 13,68,000, and that the expenditure will be Rs. 4,79,56,000, being a decrease of Rs. 26,000: the result is a net improvement of Rs. 13,94,000; and as there is an increase of Rs. 3,12,000 in the expected amount of the opening balance, the total improvement on the original estimate is Rs. 17,06,000.

3. Of the improvement on the receipt side Rs. 2,25,000 is under Stamps, chiefly from non-judicial stamps; Rs. 3,50,000 under Excise, owing to better settlements and increased sales of opium and ganja, due partly to the improved condition of the people and partly to a fall in the retail price of the latter drug; Rs. 3,27,000, under Jails, due to special supplies to the Military Department for the troops sent to the South African War and the China Expedition, and also to better prices obtained from sale of mustard oil which is one of the chief industries of the Jails; and Rs. 1,48,000 under Marine due to increased pilotage receipts in Calcutta. There are also small increases under Land Revenue (Rs. 89,000); Provincial Rates (Rs. 47,000) due to better collection of arrears; Customs (Rs. 50,000); Forests (Rs. 76,000) due specially to increased sale of sleepers in the Tista and Buxa Divisions; and Scientific and other Minor Departments (Rs. 62,000) on account of larger supplies of cinchona and quinine to the Medical Depôts and the public. Against these increases there are decreases of Rs. 43,000 under Assessed Taxes, Rs. 20,000 under Law and Justice—Courts of Law, due to smaller receipts from Pleaders' Examination fees, and Rs. 28,000 under Civil Works, ferry receipts.

4. The net decrease of expenditure is Rs. 26,000, which is made up of an increase of Rs. 12,91,000 under certain heads and a decrease of Rs. 13,17,000 under others. There were special increases of Rs. 4,11,000 under Jails, due chiefly to larger outlay on raw materials to meet the requirements of the Military Department, and to increase in the price of mustard seed; of Rs. 3,50,000 under Civil Works, owing to heavy repairs to the damages done to the roads, &c., in Darjeeling by landslips; and of Rs. 4,09,000 under Contributions from Provincial to Local, owing to larger allotments to Local

Funds for the construction and maintenance of Provincial works and larger grants for plague charges. Against these increases there are decreases of Rs. 69,000 under Land Revenue; of Rs. 92,000 under Provincial Rates, owing to the adjustment of the recoveries on account of the cost of collection of arrear cesses, and arrear contribution for pension of the cess-collecting establishment; of Rs. 1,50,000 under Police in District Executive Force, and Railway Police; of Rs. 1,80,000 under Education on account of savings under salaries, furniture and apparatus, and boarding charges, and in the grant for training of teachers; of Rs. 1,56,000 under Medical, owing to savings in salaries in consequence of many officers being recalled for military duty and to smaller expenditure on account of bedding and medical stores in the General and Campbell Hospitals; of Rs. 1,80,000 under Famine Relief, owing to the full provision not having been required; and of Rs. 72,000 under Irrigation—Major Works, and Rs. 1,69,000 under Minor Works and Navigation, owing to transfer of about two lakhs to the Civil Buildings Branch to meet the cost of repairs to damages done by the landslip in Darjeeling.

BUDGET ESTIMATE, 1901-1902.

5. The budget estimate for 1901-1902, as passed by the Government of India, adopts Rs. 42,04,000 as the opening balance, and provides for receipts aggregating Rs. 4,81,98,000, and charges Rs. 5,04,02,000, leaving a closing balance of Rs. 20,00,000, which is the minimum prescribed by the Secretary of State. Compared with the budget estimate for 1900-1901, the total receipts for 1901-1902 show an increase of Rs. 12,24,000, while, as compared with the revised estimate, there is a falling off of Rs. 1,44,000. This reduction is due to smaller receipts (Rs. 2,22,000) expected from smaller supplies of jail manufactures to the Military Department, and smaller pilotage receipts (Rs. 60,000) under Marine; while Scientific and other Minor Departments and Irrigation, Major works, are estimated to bring in revenue smaller by Rs. 43,000 and Rs. 32,000, respectively. On the other hand, increases are expected under Land Revenue from settlements, and under Provincial Rates from re-valuations. On the expenditure side the total grant is Rs. 5,04,02,000 against Rs. 4,79,82,000, the budget estimate for 1900-1901, and Rs. 4,79,56,000, the revised estimate for the year. The increase over the budget for the current year is Rs. 24,20,000, of which Rs. 21,30,000 is for the following special provisions:—

	Rs.
Improvement of the Executive and Judicial Branches of the Provincial Service ...	1,40,000
Contributions to Provident Funds for gurus and teachers in primary schools ...	1,25,000
Building grants for Deaf and Dumb and other schools ...	1,00,000
Dairy farm at Pusa ...	46,000
Plague Inspection Camps ...	65,000
Increased provision for plague expenditure and grants-in-aid ...	2,15,000
Special grants to District Boards ...	4,80,000
Increased grant for Civil Works by Public Works Department	8,38,000
Ditto ditto by Civil Department for Burial grounds, Christian and Muhammadan ...	1,21,000
Total ...	21,30,000

There is also an increase of Rs. 2,46,000 under Land Revenue chiefly for Surveys and Settlements and for larger outlay on improvements of Government estates; of Rs. 8,000 under Stamps for the higher rate of discount allowed on the sale of non-judicial stamps; of Rs. 1,53,000 under Law and Justice (Courts) for increase in the pay of District Judges, and in process-serving and other establishments and on account of smaller deductions for probable savings; of Rs. 1,17,000 under Jails, partly on account of increased grant for rations and hospital charges owing to the increase in Jail population, and partly for larger outlay on raw materials for manufactures; of Rs. 91,000 under Police for the re-organization of the Calcutta Police recently sanctioned, for the annual increased grant of Rs. 28,000 for the gradual substitution of sub-inspectors

for head-constables for investigating work and for increased grants under Village Police for dafadar chaukidars in the Orissa Division in consequence of the resumption of chakran lands; and of Rs. 62,000 under Superannuations for progressive increase under Pensions and Gratuities. Against these increases there are decreases of Rs. 1,38,000 under Irrigation and of Rs. 4,40,000 under Famine Relief, no expenditure being anticipated under the latter head.

PART II.—Detailed Remarks on the Budget for 1901-1902.

RECEIPTS.

6. *Land Revenue*.—The total collections under this head in 1899-1900 were Rs. 4,12,01,234, and the estimate for 1901-1902, including Rs. 3,50,000 for recoveries on account of the Bihar survey charges, as passed by the Government of India, is Rs. 4,12,86,000.

7. The adjustments between Imperial and Provincial will probably result in a net transfer of Rs. 18,23,000 to Imperial in 1901-1902, as shown below:—

	Rs.
Fixed contribution to Imperial Revenues under the terms of the Provincial Contract	14,19,000
<i>Add payable to Imperial Revenues—</i>	
Contribution to Assam Administration for transfer of the South Lushai Hills	3,75,000
Compensation for duty on Shahjehanpur rum issued to Bengal from the North-Western Provinces under bond	2,000
For transfer of Provincial Museum	19,000
For transfer of Statistical Department of the Bengal Secretariat to the office of the Director-General of Statistics	15,000
Compensation to the Assam Administration on account of the realisation in Bengal of income-tax from the Assam-Bengal Railway	13,000
Compensation to the Central Provinces Administration on account of the realisation in Bengal of Income-Tax from the Bengal-Nagpur Railway	16,000
Total	18,59,000
<i>Deduct to be recovered from Imperial—</i>	
Special assignment for the resumed chaukidari lands in Orissa	36,000
Net sum to be transferred to Imperial Funds	18,23,000

8. The estimated Provincial share of Land Revenue is arrived at as follows:—

	Revised Estimate, 1900-1901.	Estimate, 1901-1902.
	Rs.	Rs.
Gross Land Revenue	4,12,00,000	4,12,86,000
<i>Deduct 12 per cent. on estimated collections from Government estates (Provincial)</i>	6,58,000	6,60,000
<i>Deduct on account of recoveries of Bihar Survey and Settlement charges (Imperial)</i>	5,44,000	3,50,000
Total deduction	12,02,000	10,10,000
Net amount divisible between Imperial and Provincial	3,99,98,000	4,02,76,000
Provincial share of above	99,99,000	1,00,69,000
<i>Add 12 per cent. on collections from Government estates</i>	6,58,000	6,60,000
Total Provincial	1,06,57,000	1,07,29,000
<i>Deduct on account of adjustments</i>	18,00,000	18,23,000
Total Provincial share	88,57,000	89,06,000

9. *Stamps.*—The budget estimate of the total revenue from Stamps for 1900-1901 was passed by the Government of India for Rs. 1,82,00,000. The actuals in 1899-1900 amounted to Rs. 1,82,78,888, and the returns from the Comptroller-General show that the receipts during the first ten months of 1900-1901 exceeded those of the corresponding period of the preceding year by Rs. 1,35,000. In view of these figures, both the revised estimate for 1900-1901 and the estimate for 1901-1902 have been placed at Rs. 1,85,00,000. The Provincial share is three-fourths of this sum, and amounts to Rs. 1,38,75,000.

10. *Excise.*—The revenue from Excise for 1900-1901 was estimated at Rs. 1,40,00,000. The actuals of 1899-1900 amounted to Rs. 1,39,65,275, and the figures of the first 10 months of 1900-1901 show an increase of Rs. 6,16,000 over the actuals of the corresponding period of the preceding year. Both the revised estimate for 1900-1901 and the estimate for 1901-1902 have been passed for Rs. 1,47,00,000. The Provincial share, one-half, is Rs. 73,50,000.

11. *Provincial Rates.*—The actual collections of the Public Works Cess in 1899-1900 amounted to Rs. 46,58,921, and the receipts of the first nine months of the current year show an increase of Rs. 40,000 over those of the corresponding period of last year. The revised estimate for the current year has accordingly been placed at Rs. 47,00,000, and the estimate for next year has been taken at Rs. 48,40,000. The estimate of receipts under "General rates for the management of private estates" is Rs. 1,48,000.

12. *Customs.*—The original estimate of Provincial receipts for 1900-1901 was Rs. 2,20,000. The actual receipts in 1899-1900 amounted to Rs. 2,35,532, and those of the first nine months of 1900-1901 show an increase of Rs. 43,280 over those of the corresponding period of the previous year. In view of these figures, both the revised estimate for 1900-1901 and the estimate for 1901-1902 have been placed at Rs. 2,70,000. The increase is under overtime fees.

13. *Assessed Taxes.*—The budget estimate of receipts from Income-tax for 1900-1901 was passed by the Government of India for Rs. 52,86,000. The actual collections of last year amounted to Rs. 52,16,588, and those of the 12 months ending 31st January were Rs. 51,85,000. Both the revised estimate for 1896-97 and the estimate for 1897-98 have been placed at Rs. 52,00,000. The Provincial share of one-half is Rs. 26,00,000.

14. *Forest.*—The receipts of the Forest Department are now estimated at Rs. 12,00,000 for 1900-1901 and Rs. 11,75,000 for 1901-1902 against Rs. 11,38,912, the actuals of 1899-1900. The receipts have been entered at Rs. 36,000 above the actuals of 1899-1900, as additional revenue is expected from the reserve forests proposed to be constituted in the Chittagong Division. This includes Rs. 62,000 from the sale of sal sleepers extracted by departmental agency, Rs. 4,85,000 from sales of other timber, Rs. 2,92,000 from firewood and charcoal, Rs. 70,000 from bamboos and Rs. 2,22,000 from other minor produce (including Rs. 29,000 from mica in the Hazaribagh Division, Rs. 42,000 from *sabai* grass in the Singhbhum Division, and Rs. 9,000 from wax and honey in the Sundarbans Division).

15. *Interest.*—The receipts under this head have been entered at Rs. 3,67,000 for 1901-1902, thus—

	Rs.
Interest on advances to cultivators	36,000
Do. on drainage and embankment advances	77,000
Do. on loans to notabilities	6,000
Do. on loans to municipalities and other local authorities	1,82,000
Do. on Government securities	14,000
Miscellaneous	52,000
Total	3,67,000

16. *Law and Justice.—Courts of Law.*—The receipts from Magisterial fines declined up to 1897-98. In 1898-99 they showed a small increase, but in 1899-1900 they declined again. In the current year they showed a small increase which may not continue in 1901-1902. The estimate has been placed at Rs. 8,01,000 against Rs. 8,10,000, the revised estimate for the current year.

17. *Law and Justice.—Jails.*—The estimate under this head is Rs. 11,28,000 against Rs. 13,50,000, the revised estimate for 1900-1901, and Rs. 11,59,773,

the actuals of 1899-1900. The increase in 1899-1900 and 1900-1901 was due to special supplies to the Military Department for the troops sent to the South African War and the China Expedition.*

18. *Marine*.—The budget estimate of total receipts for 1900-1901 was Rs. 11,82,000. This has been raised to Rs. 12,80,000 in the revised estimate, with reference to the actuals of the first 10 months of the current year, which amounted to Rs. 10,46,254, owing to the unusually high receipts under Calcutta Pilotage. The pilotage receipts are of a fluctuating character, depending on tonnage of vessels arriving and departing from the Port, and the estimate for 1901-1902 has been placed at Rs. 12,20,000.

19. *Education*.—The estimate under this head amounts to Rs. 7,35,000 against Rs. 7,00,000, the estimate for 1900-1901. The increase is due to the inclusion of receipts from the Reformatory Schools which have been transferred to this head from Jails.

20. *Medical*.—The estimate under this head is Rs. 2,10,000 against Rs. 2,20,000, the revised estimate for 1900-1901, and Rs. 2,35,672, the actuals of 1899-1900. Last year, the two years' contribution of the Calcutta Municipality for the maintenance of the Campbell Hospital was credited, and hence the total receipts were high. There were larger receipts in Lunatic Asylums in 1900-1901.

21. *Scientific and other Minor Departments*.—The estimate for 1901-1902 amounts to Rs. 2,23,000 against Rs. 2,66,000, the revised estimate for 1900-1901, and Rs. 2,05,849, the actuals of 1899-1900. The increase compared with the actuals of 1899-1900 is due to an anticipated increase in the receipts from the sale of cinchona and its preparations.

22. *Superannuation receipts*.—The estimate of Provincial receipts for 1901-1902 amounts to Rs. 65,000 against Rs. 56,000, the revised estimates for 1900-1901. The estimate for next year includes a special receipt of Rs. 10,000 for contributions of Medical officers lent to Municipalities, District Boards and Local bodies.

23. *Miscellaneous*.—The receipts under this head fluctuate largely from year to year. The estimate for 1901-1902 based on past actuals has been placed at Rs. 7,18,000 against Rs. 7,04,000, the budget estimate for 1900-1901, and Rs. 7,35,830, the actuals of 1899-1900.

24. *Irrigation—Major Works (Direct receipts)*.—The budget estimate for 1900-1901 was Rs. 17,18,000, and the revised estimate is taken at Rs. 17,50,000. The increase is in the Sone Canals. The estimate for 1901-1902 has been placed at Rs. 17,18,000, as the collections under this head are uncertain and depend on rainfall.

25. *Irrigation—Minor Works and Navigation*.—The estimate of receipts under Public Works Department for 1901-1902 is Rs. 6,60,000. The budget and revised estimates for 1900-1901 are Rs. 6,39,000 and Rs. 6,44,000, respectively. The increase is under Navigation receipts of the Calcutta and Eastern Canals.

26. *Civil Works*.—The estimate of receipts in charge of the Public Works Department is Rs. 1,88,000 against Rs. 1,73,000, the budget estimate, and Rs. 2,00,000, the revised estimate for 1900-1901. The actuals in 1899-1900 were Rs. 2,26,694 and included the Government share of profits of the Darjeeling-Himalayan Railway which are payable after the close of the year; and the receipts of 1900-1901 and 1901-1902 are adversely affected by the land-slips of 1899 and 1900.

EXPENDITURE.

27. *Refunds and Drawbacks*.—The total Provincial expenditure in 1901-1902 is estimated at Rs. 1,84,000 against Rs. 1,83,000, the budget estimate for 1900-1901, and Rs. 1,78,224, the actuals of 1899-1900. The actuals for 1899-1900 included a special payment made in March, 1900, on account of capitalised value of the Government revenue for the land taken up for the Hajipur-Katihar extension of the Bengal, North-Western and Tirhut State Railways in the district of Bhagalpur. Larger provision has been made under Land Revenue to provide for any special payments such as those made in the last three years; and under Stamps, Excise and Customs owing to the anticipated increase in revenue.

28. *Assignments and Compensations.*—The actual charges in 1899-1900 amounted to Rs. 1,54,877, and in the revised estimate for 1900-1901 the budget estimate of Rs. 2,00,000 has been reduced to Rs. 1,55,000, as the full amount of claims budgetted for has not been paid during the year. The estimate for 1901-1902 has been framed for Rs. 1,75,000 which provides for the payment of arrears.

29. *Land Revenue.*—The total Provincial expenditure for 1900-1901 was originally estimated at Rs. 40,06,000, but in the revised estimate this has been reduced to Rs. 39,37,000, owing to large savings under charges of District Administration, in consequence of the absence of officers on deputation and long leave out of India. The estimate for 1900-1901 is Rs. 43,02,000, as shown below:—

	Actuals, 1899-1900.	Budget, 1900-1901.	Revised esti- mate, 1900-1901.	Budget, 1901-1902.
	Rs.	Rs.	Rs.	Rs.
(1) Charges of district administration ...	31,00,660	31,68,000	30,26,000	32,51,000
(2) Management of Government estates ...	5,07,694	5,00,000	5,30,000	5,67,000
(3) Survey and settlement ...	2,88,816	2,45,000	2,93,000	3,94,000
(4) Land Records and Agriculture	84,654	93,000	88,000	90,000
Total ...	39,81,824	40,06,000	39,37,000	43,02,000

The increase under (1) is for revision of tauzi establishments in several districts, and for increase of establishment in others, but is chiefly due to the provision of Rs. 50,000, being one-half of the grant of one lakh set apart for improving the emoluments of the Executive Branch of the Provincial Service. Small additions have also been made under subdivisional establishment, partition establishment, process-serving establishment and survey of waste lands establishment in accordance with the requirements of the local officers. The increase under (2) is proportionate to increased collections expected and for larger grants for improvements.

30. *Stamps.*—The estimate of expenditure for 1901-1902 amounts to Rs. 7,54,000 against Rs. 6,77,000, the budget estimate for the current year, and Rs. 6,47,499, the actuals of 1899-1900. The increase is chiefly under charges for the sale of general stamps owing to the higher rate of discount allowed on sale of non-judicial stamps from 1st April, 1900, and also under "Stamp paper supplied from Central Stores," the estimate under this head being Rs. 3,37,000 against Rs. 3,02,322, the actuals of 1899-1900. The Provincial share is three-fourths and amounts to Rs. 5,66,000.

31. *Excise.*—The total expenditure for 1901-1902 is estimated at Rs. 7,44,000 against Rs. 7,01,000, the budget grant for 1900-1901. The budget provides Rs. 50,000 for improving and strengthening the district Preventive establishments.

32. *Provincial Rates.*—The total provision for 1901-1902 is Rs. 1,43,000 against Rs. 1,52,000, the budget estimate for the current year, and Rs. 60,000, the revised estimate for the year. The savings in 1900-1901 are partly due to smaller expenditure on valuation and re-valuation establishment, and partly to no allowance having been made in the estimate for recoveries on account of the cost of collection of arrear cesses and refunds of Road Cess which are adjusted in the accounts by reduction of charges under this head. The estimate for next year includes larger grants for valuation and re-valuation work in several districts.

33. *Customs.*—The estimate of expenditure for 1901-1902 amounts to Rs. 9,78,000 against Rs. 9,32,000, the budget estimate for 1900-1901. The increase is chiefly due to provision being made for larger overtime allowances both for Calcutta and Chittagong.

34. *Forests.*—The budget grant for 1901-1902 is Rs. 6,90,000 against Rs. 5,89,000, the estimate for 1900-1901, and Rs. 5,80,000, the revised estimate for the year. The estimate includes Rs. 71,000 for departmental operations for the supply of timber, fuel and bamboos, Rs. 19,000 for completing the construction of a new steamer sanctioned for use in the Sunderbans Division, Rs. 74,000 under Communications and Buildings, Rs. 28,500 for

continuance of the survey of the forests in the Singhbhum Division, Rs. 9,500 on sowing and planting, and Rs. 15,000 for fire protection.

35. *General Administration*.—The estimate under this head amounts to Rs. 17,11,000 against Rs. 17,17,000, the revised estimate for 1900-1901. The increase in the revised estimate for 1900-1901 is due to the Chief Commissioner of Assam having drawn his pay for three months in Calcutta. The budget for next year includes a lump grant of Rs. 18,000 to be placed at the disposal of the Board of Revenue for keeping the Collectorate records in good order while a reduction of Rs. 15,000 has been made under Civil Secretariat for the transfer of the Statistical Department to the office to the Director-General of Statistics.

36. *Law and Justice—Courts of Law*.—The estimate under this head for 1900-1901 was Rs. 91,70,000, but in the revised estimate it has been reduced to Rs. 91,20,000, since savings are expected under High Court owing to no arrangement having been made during the absence on furlough of one of the Judges, and also under Process-serving Establishments of District Judges. The estimate for 1901-1902 has been passed for Rs. 94,13,000, and includes provision for the salaries of the full sanctioned number of High Court Judges, larger grant for copying establishment in the High Court for making copies for parties, for increase in the pay of the Superintendent and Remembrancer of Legal Affairs, and for increase in the pay of District Judges. A special provision of Rs. 90,000 has also been made for improvement of the Subordinate Judicial Service and the Executive branch of the Provincial Service.

37. *Jails*.—The estimate for 1901-1902 amounts to Rs. 24,86,000 against Rs. 23,69,000, the budget estimate for 1900-1901, and Rs. 24,53,759 the actuals of 1899-1900. The increase is due to larger grants for rations and hospital charges in consequence of the increase in the jail population and to the high price of food-grains. There is also an increased provision of Rs. 52,000 for Jail manufactures.

38. *Police*.—The following table compares the estimates of expenditure under this head:—

	Actuals, 1899-1900.	Estimate, 1900-1901.	Revised esti- mate, 1900-1901.	Estimate, 1901-1902.
	Rs.	Rs.	Rs.	Rs.
Presidency Police ...	7,94,871	8,28,000	8,30,000	8,51,000
Municipal Police ...	52,096	50,000	50,000	49,000
Superintendence ...	1,54,752	1,58,000	1,48,000	1,52,500
District Executive Force ...	47,07,717	48,48,500	47,23,000	49,11,200
Village Police ...	15,884	46,000	37,000	50,000
Special Police ...	1,40,257	1,46,700	1,50,000	1,52,500
Railway Police ...	1,31,043	1,54,500	1,38,000	1,55,900
Cattle-pounds ...	2,692	3,300	1,000	1,600
Refunds ...	739	1,000	8,000	1,300
Total ...	60,00,051	62,34,000	60,54,000	63,25,000

The actuals of the first eight months of 1900-1901 indicate that there will be savings under District Executive Force which was rather overestimated in the budget, and under Village Police owing to the Chakidari Act not having been introduced in the district of Puri. The estimate for 1901-1902 is Rs. 63,25,000. Under Presidency Police provision has been made for the full sanctioned strength and for increased provision for feed and keep of horses and for rents, rates and taxes. Under District Executive Force provision has been made for the substitution of sub-inspectors for head constables as investigating officers in accordance with the recommendation of the Police Commission, for four probationers in excess of the present scale, and for cooks for Police Hospitals in 35 districts. Under Village Police provision has been made for dafadar chakidars in consequence of the resumption of chakran lands.

39. *Marine*.—The estimate for 1901-1902 is Rs. 10,11,000 against Rs. 9,61,000, the sanctioned estimate for 1900-1901, and Rs. 9,42,524, the actuals of 1899-1900. The increase is under (a) repairs of vessels, as heavy repairs are expected to be carried out; under (b) pilotage and pilot establishment owing to larger payments to free list pilots, the expenditure under which head varies according to the number and tonnage of vessels visiting the

ports; under (c) overtime allowances of the Assistant Shipping Master; and under (d) subsidies to steamer companies for a new service between Chittagong and Cox's Bazar.

40. *Education*.—The grant for expenditure under the direct control of the Education Department was Rs. 29,80,000 in the budget estimate for 1900-1901. This has been reduced to Rs. 28,00,000 in the revised estimate, partly in consequence of the absence of several officers on furlough and appointment of men on lower pay, partly owing to smaller boarding charges in the Civil Engineering College, and partly on account of the grant of Rs. 16,000 for the training college for teachers in connection with the Kurseong School not having been fully utilised. The estimate for 1901-1902 provides for a total expenditure of Rs. 32,04,000, which includes Rs. 72,000 for Reformatory Schools transferred from the Jail Department, Rs. 16,000 for the Kurseong Training College for teachers, and the following additional charges:—

(1) Appointment of two additional Foremen Instructors, one additional Professor, and additional Instructive staff for the Civil Engineering College ...	16,000
(2) Establishment, &c., for B and C classes (Industrial and Commercial) in certain high schools in connection with the bifurcation of studies ...	14,000
(3) Purchase of models, &c., for the introduction of Model Freehand Drawing in the Entrance Examination ...	2,000
(4) Improvement of the present system of training of teachers ...	8,000
(5) Contribution towards the cost of the construction of a new building for the Deaf and Dumb School at Calcutta, for the Diocesan Girls' School at Darjeeling, and other building grants ...	1,00,000
(6) Contribution to Provident Fund for teachers of primary schools ...	1,25,000
Total ...	2,65,000

41. *Medical*.—The original budget grant for 1900-1901 was Rs. 22,26,000, but in the revised estimate this has been reduced to Rs. 20,70,000. The decrease is due to changes of officers and to the recall of many officers to military duty. The grants to Municipalities and District Boards in 1900-1901 for plague measures amounted to—

	Rs.	Rs.
Patna Municipality ...	15,000	
Bihar " ...	20,000	
Dinapore " ...	4,000	
Gaya " ...	5,000	
Bhapra " ...	5,000	
Monghyr " ...	10,000	
Shahebganj " ...	1,000	
		60,000
Patna District Board ...	70,000	
Gaya " ...	10,000	
Monghyr " ...	4,000	
		84,000

Of these, the grants to Municipalities aggregating Rs. 60,000 will be adjusted under this head, while those to District Boards, under Contributions. The grant for 1901-1902 amounts to Rs. 24,85,000, and includes Rs. 5,65,000 for plague measures, *i.e.*, Rs. 65,000 for Inspection Camps, Rs. 1,00,000 for inspection charges at maritime ports, Pilgrim Camps, and other direct expenditure by Government, and Rs. 4,00,000 for grants to Municipalities and District Boards in aid of the cost of local preventive measures. Provision has been made for increase in the pay of the Chemical Examiner and increased grant for diet and clothing of patients in the General Hospital and Leper Asylum.

42. *Scientific and other Minor Departments.*—The estimate for 1901-1902 is Rs. 5,22,000, against Rs. 4,71,000, the budget grant for 1900-1901, and Rs. 4,44,375, the actuals of 1899-1900. The increase is mainly due to a provision of Rs. 46,000 having been made for the establishment of a dairy farm at Pusa. The estimate also includes a grant of Rs. 7,500 to the Indigo Association and larger grants for supplies and services, and purchase of models and specimens, &c., for the Veterinary Institution and the appointment of two Veterinary Inspectors, while on the other hand the charges for the maintenance of the Economic and Art Section of the Provincial Museum have been omitted in consequence of its transfer to the control of the Government of India.

43. *Superannuation.*—The charges under this head show a progressive increase year by year owing to the increase in the claims to pensions. The estimate for 1901-1902 is Rs. 23,62,000, against Rs. 22,86,000, the revised estimate for 1900-1901, and Rs. 22,13,172, the actuals of 1899-1900.

44. *Famine Relief.*—A provision of Rs. 4,40,000 was made in the budget for 1900-1901 for expenditure on famine relief works and gratuitous relief, in the Chota Nagpur and Orissa Divisions. The actual expenditure adjusted in the first ten months of the current year, however, shows that the expenditure in the Civil Department during the year will be Rs. 2,58,000, and in the Public Works Department, Rs. 2,000. The total revised estimate in the current year has accordingly been placed at Rs. 2,60,000. No outlay is anticipated for next year.

45. *Irrigation—Minor Works in charge of the Public Works Department.*—The estimate for 1901-1902 is Rs. 14,00,000 against Rs. 15,03,000, the budget grant for 1900-1901, and Rs. 11,68,956, the actuals of 1899-1900. A provision of Rs. 75,600 has been made for the bhil route between the Kumar and Madhumati rivers, and Rs. 62,200 and Rs. 31,100 for Capital expenditure in Orissa and Sone Canals, respectively. The grant for Agricultural and Drainage works has been placed at Rs. 7,21,600 against Rs. 6,46,865, the actuals of 1899-1900.

46. *Civil Works in charge of the Public Works Department.*—The Provincial expenditure for 1901-1902 is Rs. 45,88,000, which is distributed thus:—

			Rs.
Original Works	...	...	22,44,000
Repairs	...	...	15,60,000
Establishment	...	...	7,60,570
Tools and Plant	...	...	23,430
Total	...	...	45,88,000

The allotment includes the following grants:—

	Rs.
Certificate Office, Chapra	15,000
Constructing a masonry building for the accommodation of the Deputy Magistrates and the office of the Excise, Income-tax and Certificate Departments, Comilla	29,000
Constructing a new and separate building for the accommodation of those offices of the Collector and Magistrate of Bhagalpur which are now located in a hired building, and erecting a new court-room for the Joint and the Honorary Magistrate	38,000
Constructing a new Commissioner's office, Cuttack	38,000
Constructing a new court building to accommodate two Subordinate Judges and two Munsifs at Monghyr	33,000
Additions and alterations to the Civil Court buildings at Bhagalpur	19,500
Construction of treble Munsifs at Satkhira and Bagerhat	44,000
Construction of a new Sub-divisional Court at Gumla	32,000
Ditto of a new Sub-divisional residence at Gumla	11,000
Carried over	2,61,500

	Rs.
Brought forward ...	2,64,500
Acquisition of land for the extension of the High Court ...	2,50,000
Construction of a new building for the Patna City School ...	37,900
Re-construction of the Presidency General Hospital ...	2,50,000
Construction of a central Lunatic Asylum at Berhampore	1,25,000
Ditto of a ward for female lunatics in the Lunatic Asylum, Bhawanipur ...	25,100
Addition to Sumbhu Nath Pandit's Hospital ...	29,000
Construction of new roads ...	1,26,700
Ditto of feeder roads ...	53,500
Re-construction of Terai bridges ...	25,000
Special repairs, Darjeeling Town ...	2,50,000
Total ...	14,36,700

47. *Civil Works in charge of the Civil Department.*—The grant for 1901-1902 is Rs. 2,76,000 against Rs. 1,16,000, the revised estimate for the current year. Provision has been made for re-grants of Rs. 30,000 and Rs. 5,000 to the Patna and Muzaffarpur Municipalities, respectively, for the construction of hospitals, which have not been drawn during the current year; of Rs. 5,000 to the Nadia Municipality for repairs to embankments, and of Rs. 1,21,000 for acquisition of lands for extensions of Christian and Muhammadan burial-grounds.

48. *Contributions from Provincial to Local.*—The original estimate for the current year, amounting to Rs. 9,91,000, has been raised to Rs. 14,00,000 in the revised estimate, in order to provide (1) for grants to the newly created District Boards in Chota Nagpur Division, (2) for special grants to meet plague preventive measures, as stated in paragraph 41 above, and for larger grants to the District Boards for the construction and maintenance of Provincial Public Works. The estimate for 1901-1902 is Rs. 15,00,000, and includes a provision of Rs. 4,80,000 for improving the financial position of District Boards.

BENGAL PROVINCIAL REVENUE.

(The figures are in thousands of rupees, except for actuals.)

HEADS.	Actuals, 1899-1900.	1900-1901.		1901-1902.
		Budget.	Revised.	Estimate.
1	2	3	4	5
Opening balance ...	Rs. 31,16,489	Rs. 35,06	Rs. 38,18	Rs. 42,04
Principal Heads of Revenue—				
I.—Land Revenue { Proper ...	1,06,62,312	1,05,73	1,06,57	1,07,29
Adjustments ...	—17,86,576	—18,05	—18,00	—18,23
IV.—Stamps ...	1,37,09,166	1,36,50	1,38,75	1,38,75
V.—Excise ...	69,82,637	70,00	73,50	73,50
VI.—Provincial Rates ...	48,27,497	48,00	48,47	49,88
VII.—Customs ...	2,35,532	2,20	2,70	2,70
VIII.—Assessed Taxes ...	26,08,294	26,43	26,00	26,00
IX.—Forests ...	5,69,456	5,24	6,00	5,87
X.—Registration ...	7,26,811	7,40	7,70	7,70
Total ...	3,85,35,129	3,83,45	3,91,69	3,93,46
XII.—Interest ...	4,19,533	3,96	3,35	3,67
Receipts by Civil Department—				
XVI.—Law and Justice—				
Courts of Law ...	7,84,196	8,30	8,10	8,01
Jails ...	11,59,773	10,23	13,50	14,28
XVII.—Police ...	1,96,734	2,11	2,41	2,15
XVIII.—Marine ...	10,96,609	11,32	12,80	12,20
XIX.—Education ...	6,87,374	7,00	7,25	7,35
XX.—Medical ...	2,35,672	2,01	2,20	2,10
XXI.—Scientific and other Minor Departments ...	2,05,819	2,04	2,66	2,23
Total ...	43,66,207	43,01	48,72	45,32
Miscellaneous—				
XXII.—Receipts in aid of Superannuation ...	68,712	63	56	65
XXIII.—Stationery and Printing ...	1,60,053	1,66	1,70	1,63
XXV.—Miscellaneous ...	7,35,830	7,04	7,05	7,18
Total ...	9,64,595	9,33	9,31	9,46
Irrigation—				
XXIX.—Major Works (direct receipts) ...	18,29,734	17,18	17,50	17,18
XXX.—Minor Works and Navigation—				
By Public Works Department...	6,66,429	6,34	6,44	6,58
„ Civil Department ...	1,23,930	1,26	1,26	1,25
Total ...	26,20,093	24,83	25,20	25,01
Buildings and Roads—				
XXXII.—Civil Works—				
By Public Works Department..	2,26,694	1,73	2,00	1,88
By Civil Department ...	2,58,110	2,88	2,60	2,63
Total ...	4,84,804	4,61	4,60	4,51
Contributions ...	42,986	55	55	55
Total ...	4,74,33,347	4,69,74	4,83,42	4,81,98
GRAND TOTAL ...	5,05,49,836	5,04,80	5,21,60	5,24,02

BENGAL PROVINCIAL EXPENDITURE.

(The figures are in thousands of rupees, except for actuals.)

HEADS.	Actuals, 1899-1900.	1900-1901.		1901-1902.
		Budget.	Revised.	Estimate.
1	2	3	4	5
Direct demand on the revenues—	Rs.	Rs.	Rs.	Rs.
1. Refunds and Drawbacks ...	1,78,224	1,83	1,91	1,84
2. Assignments and Compensations ...	1,54,877	2,00	1,55	1,75
3. Land Revenue ...	39,81,824	40,06	39,37	43,02
6. Stamps ...	4,85,624	5,08	5,40	5,66
7. Excise ...	3,48,284	3,51	3,43	3,72
8. Provincial Rates ...	60,443	1,52	60	1,43
9. Customs ...	9,18,088	9,32	9,54	9,78
10. Assessed Taxes ...	95,495	98	95	1,00
11. Forests ...	2,72,602	2,94	2,90	3,45
12. Registration ...	4,36,480	4,54	4,55	4,57
Total ...	69,31,941	71,78	70,20	76,22
13. Interest on ordinary debt ...	2,31,574	2,37	2,18	2,15
15. Post-office ...	2,585	3	3	3
Salaries and expenses of Civil Department—				
18. General Administration ...	17,19,568	17,05	17,17	17,11
19. Law and { Courts of Law ...	89,78,414	91,70	91,20	94,13
Justice. { Jails ...	24,53,759	23,69	27,80	24,86
20. Police ...	60,00,051	62,34	60,84	63,25
21. Marine ...	9,42,524	9,61	10,07	10,11
22. Education ...	28,17,981	29,80	28,00	32,04
24. Medical ...	22,88,160	22,26	20,70	24,35
25. Political ...	14,728	20	17	22
26. Scientific and other Minor Depart- ments ...	4,44,375	4,71	4,50	5,22
Total ...	2,56,59,560	2,61,36	2,60,45	2,71,79
Miscellaneous—				
29. Superannuation, &c. ...	22,13,172	23,00	22,86	23,62
30. Stationery and Printing ...	11,86,307	12,45	12,32	12,45
32. Miscellaneous ...	3,13,196	2,61	2,22	2,55
Total ...	36,62,675	38,06	37,40	38,62
Famine Relief and Insurance—				
33. Famine Relief ...	10,997	4,40	2,60	.....
Irrigation—				
42. Major Works—				
Working expenses ...	13,07,707	13,31	12,59	12,97
Interest on Debt ...	24,55,144	24,55	24,55	24,55
43. Minor Works and Navigation—				
By Public Works Department ...	11,68,956	15,03	13,34	14,00
By Civil Department ...	7,248	6	6	5
Total ...	49,39,055	52,95	50,54	51,57
Buildings and Roads—				
45. Civil Works—				
By Public Works Department ...	39,02,944	37,50	41,00	45,88
By Civil Department ...	1,55,221	1,46	1,16	2,76
Total ...	40,58,165	38,96	42,16	48,64
Contributions ...	12,34,896	9,91	14,00	15,00
Total ...	4,67,31,448	4,79,82	4,79,56	5,04,02
Closing balance ...	38,18,388	24,98	42,04	20,00
GRAND TOTAL ...	5,05,49,836	5,04,80	5,21,60	5,24,02
Provincial surplus (+) or deficit (—) ...	+7,01,899	—10,08	+3,86	—22,04

APPENDIX A.

Bengal Provincial receipts, in detail, of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

The remarks in column 6, except when otherwise specially explained, refer to differences between columns 3 and 5.

1.—Land Revenue—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Gross Land Revenue	4,12,01,234	4,09,00,000	4,12,00,000	4,12,86,000	Based on current demand. Budget includes Rs. 48,000 on account of reserved chaukidari lands in Orissa and Rs. 10,000 for sabai grass in Saora Forest tract in Southal Parganas transferred to Civil Department.
Deduct 12 per cent. on collections from Government Estates (Provincial)	6,24,961	5,89,000	6,58,000	6,60,000	
Deduct recoveries of Bihar Survey and Settlement charges (Imperial)	4,26,871	3,75,000	5,44,000	3,50,000	Decrease due to excess realisations in 1900-1901.
Total deduction	10,51,832	9,64,000	12,02,000	10,10,000	
Net amount divisible between Imperial and Provincial Funds	4,01,49,402	3,99,36,000	3,99,98,000	4,02,76,000	
Provincial share of above (one-fourth)	1,00,37,351	99,84,000	99,99,000	1,00,69,000	
Add 12 per cent. on collections from Government Estates	6,24,961	5,89,000	6,58,000	6,60,000	
Net	1,06,62,312	1,05,73,000	1,06,57,000	1,07,29,000	
Deduct on account of adjustments as shown below	17,86,576	18,05,000	18,00,000	18,23,000	
Total Provincial share	88,75,736	87,68,000	88,57,000	89,06,000	

Adjustments—

Fixed contribution to Imperial Revenue under the Provincial Settlement	14,19,000	14,19,000	14,19,000	14,19,000	
Add payable to Imperial—					
For transfer of the South Lushai Administration to Assam	3,75,000	3,75,000	3,75,000	3,75,000	
Contribution for Dr. Stein's deputation on Archaeological researches ... ..	.....	5,000	5,000	.....
Compensation for duty on Shajehanpur rum issued to Bengal from the North-Western Provinces under bond	3,600	6,000	2,000	2,000	
For transfer of Provincial Museum ... ..	.....	.....	.....	19,000	
" transfer of Statistical Department of the Bengal Secretariat to the Office of the Director-General of Statistics ... ..	.....	.....	.....	15,000	
Compensation to the Assam Administration on account of the realisation in Bengal of Income-tax from the Assam-Bengal Railway ... ..	.....	.....	13,000	13,000	
Compensation to the Central Provinces Administration on account of the realisation in Bengal of Income-tax from the Bengal-Nagpur Railway ... ..	.....	.....	16,000	16,000	
Total	17,97,600	18,05,000	18,30,000	18,59,000	
Deduct to be recovered from Imperial—					
Special assignment for transfer of Imperial buildings to the charge of local bodies	11,024	.....	30,000	.....
Special assignment for resumed chaukidari lands in Orissa ... ..	.....	.....	.....	8,000	
Total	11,024	.....	30,000	8,000	
Net sum to be transferred	17,86,576	18,05,000	18,00,000	18,51,000	

IV.—Stamps—

Sale of general stamps	47,43,678	46,75,000	45,02,000	50,01,000	Revised based on actual collections of the first ten months of 1900-1901. The falling off in court-fee stamps is probably due to partial suspension of work in last week of January, owing to the death of Queen-Empress. Revised repeated for Budget.
" of court-fee stamps	1,32,00,549	1,32,05,000	1,31,70,000	1,31,70,000	
" of plain paper to be used with court-fee stamps	2,60,783	2,60,000	2,78,000	2,8,000	
Duty on impressing documents	14,239	15,000	15,000	15,000	
Fines and penalties	24,627	25,000	22,000	22,000	
Miscellaneous	24,052	20,000	13,000	13,000	
Total	1,32,78,888	1,32,00,000	1,35,00,000	1,35,00,000	
Provincial share (three-fourths)	1,37,09,106	1,39,50,000	1,38,75,000	1,38,75,000	

V.—Excise—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
License and Distillery fees and duties on the sale of liquors and drugs—	Rs.	Rs.	Rs.	Rs.	
Distillery	10,83,836	1,07,02,000	1,13,22,000	1,13,25,000	Increase in Revised due to better settlements and to increased consumption of ganja owing to a fall in the retail price of the drug.
Outstills	32,59,968				
Still head duty	20,99,772				
Miscellaneous	71,400				
Other items	42,79,365				
Total	1,07,94,321	1,07,02,000	1,13,22,000	1,13,25,000	
Gain on sale-proceeds of excise opium	18,02,481	17,90,600	19,00,000	19,00,000	Increase due to increased consumption of opium attributable to improved condition of the people.
Duty on ganja	13,47,685	14,00,000	14,60,000	14,50,000	
Fines, confiscations and miscellaneous	20,778	18,000	18,000	25,000	
GRAND TOTAL	1,39,65,275	1,40,00,000	1,47,00,000	1,47,00,000	
Provincial share (one-half)	69,82,637	70,00,000	73,50,000	73,50,000	

VI.—Provincial Rates—

Public Works Cess	46,58,921	46,50,000	47,00,000	48,40,000	Increase in Revised due to better collection of arrears. Further increase in 1901-1902 expected from revaluations in the districts of Dacca, Faridpur, Backergunge, Noakhail, Gaya, Purnea, Malda and Ranchi.
General rates for management of private estates	1,68,576	1,50,000	1,47,000	1,48,000	Estimate based on actual demand.
Total	48,27,497	48,00,000	48,47,000	49,88,000	

VII.—Customs—

Sea Customs—Miscellaneous	...	...	...	2,26,200	2,10,000	2,55,000	2,55,000	Estimate based on actual collections of the first nine months of 1900-1901. The over time fees were formerly kept out of account. The other fees are of a fluctuating character.
Warehouse and wharf-rent	...	...	...	8,785	9,000	14,000	14,000	
Fee for registration of cargo boats	...	...	...	172	1,000	1,000	1,000	
Other items	...	...	...	375				
Total Miscellaneous	...			547	1,000	1,000	1,000	
GRAND TOTAL	...			2,35,532	2,20,000	2,70,000	2,70,000	

VIII.—Assessed Taxes—

Deductions by Government from salaries and pensions, &c.	4,96,859	5,00,000	5,05,000	5,05,000	Includes adjustment of collections by the Assam-Bengal, and Bengal-Nagpur Railways transferred from Assam and Central Provinces Administrations, respectively. Actuals of 10 months, 1900-1901, show a lower tendency.
Deductions by Government from interest on Government securities	16,800	15,000	15,000	17,000	
Deductions from salaries, &c., by local authorities or companies	62,621	62,000	60,000	75,000	
Deductions from profits of Railway Companies .....	.....	3,000	.....	3,000
Income-tax on securities of local authorities or companies	80,682	80,000	70,000	82,000	
Ordinary collections	45,20,309	45,86,000	45,15,000	44,50,000	
Penalties	24,797	25,000	20,000	24,000	
Miscellaneous	14,430	15,000	15,000	14,000	
Total	52,16,538	52,86,000	52,00,000	52,00,000	
Provincial share (one-half)	26,08,294	26,43,000	26,00,000	26,00,000	

IX.—Forests—

I.—Timber and other produce removed from the forests by Government agency	56,770	68,600	68,706	1,37,600	Increase in Revised due to increased sale of sleepers in the Tista and Buxa divisions which is expected to continue in 1901-1902.
II.—Timber and other produce removed from the forests by consumers or purchasers	10,35,497	9,37,000	10,78,200	9,93,900	Revised raised with reference to actuals.
III.—Drift and walt-wood and confiscated forest produce	9,846	8,400	5,990	8,700	
IV.—Miscellaneous	36,709	37,000	47,200	31,800	
Total	11,38,812	10,49,000	12,00,000	11,75,000	
Provincial share (one-half)	5,69,406	5,24,000	6,00,000	5,87,000	

X.—Registration—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Fees for registering documents	Rs. 13,81,919	Rs. 14,15,000	Rs. 14,68,000	Rs. 14,68,000	Increase due to the gradual development of the operations of the Department.
Fees for copies of registered documents	29,507	23,000	30,000	30,000	
Miscellaneous	42,196	42,000	42,000	42,000	
Total	14,53,622	14,80,000	15,40,000	15,40,000	
Provincial share (one-half)	7,26,811	7,40,000	7,70,000	7,70,000	

XII.—Interest—

<i>Class I.</i> —Interest on advances to cultivators—					
On advances to cultivators under Land Improvement Loans Act	28,970	56,000	56,000	56,000	
On advances to cultivators under Agriculturists' Loans Act	41,836				
<i>II.</i> —Interest on advances under Special Laws—					
On Drainage and Embankment Advances	78,149	88,000	70,000	77,000	Based on the estimated outstanding mean a. acre. (a) Decrease due to earlier repayment of the loan granted to the Maharaja of Hill Tippera, which also accounts for larger receipts in 1899-1900.
<i>III.</i> —Interest on loans to landholders, &c.	28,387	13,000	(a) 4,000	6,000	
<i>IV.</i> —Interest on loans to Municipal and other public bodies (excluding Presidency Corporations)	1,69,581	1,75,000	1,40,000	1,82,000	
Interest on Government securities	17,898	14,000	15,000	14,000	
Miscellaneous—					
Interest on arrears of Public Works Cess	49,674	46,000	46,000	47,630	Based on actuals.
Interest on the Capital cost of His Honour the Lieutenant-Governor's household furniture	1,267	1,000	1,000	1,000	
Interest on zamindari embankment recoveries, under the contract system	2,105	2,000	2,000	2,000	
Other items	1,766	1,000	1,000	2,000	
Total Miscellaneous	54,712	50,000	50,000	52,630	
GRAND TOTAL	4,19,533	3,96,000	3,35,000	3,67,000	

XVIA.—Law and Justice—Courts of Law—

Sale-proceeds of unclaimed and escheated property	27,740	32,000	22,000	28,000	The decrease is based on actuals.
Court-fees realised in cash	50,979	55,000	55,000	53,000	The increase in revised due to the adjustment of certain copying fees hitherto kept out of account
General Fees, Fines and Forfeitures	6,65,866	6,75,000	6,90,000	6,75,000	
Pledership Examination fees	28,453	53,000	28,000	30,000	Based on actuals.
Miscellaneous	11,157	15,000	15,000	15,000	
Total	7,84,195	8,30,000	8,10,000	8,01,000	

XVIB.—Jails—

Jails	19,493	15,000	15,000	17,000	Special supplies to the Military Department for the South African War and China Expedition account for the larger receipts in 1899-1900 and 1900-1901. Enhancement of the selling price of mustard oil, one of the chief industries of the Jails, contributed also to the increases in Revised.
Jail manufactures	11,40,280	10,08,000	13,34,000	11,11,000	
Total	11,59,773	10,23,000	13,50,000	11,28,000	

XVII.—Police—

Police supplied to Municipal, Cantonment and Town Funds	9,564	10,000	10,000	10,000	Increase based on probable demands of Railway Companies. Increase in Revised due to arrears collections.
Police supplied to Public Departments, private companies and persons, and Punitive Police	37,906	50,000	60,000	55,000	
Presidency police	1,01,687	95,000	1,08,000	95,000	Increase in Revised due to larger realisations of fines for the prevention of cruelty to animals and larger receipts from cattle pounds.
Recoveries on account of village police	2,000	2,000	5,000	3,400	Receipts are of a fluctuating character.
Fees, fines and forfeitures	37,354	38,000	20,000	38,000	
Superannuation receipts	62	4,000	.....	.....	Based on actuals.
Cash receipts under the Arms Act	8,161	12,000	8,000	10,000	
Miscellaneous ... ..	.....	.....	.....	.....
Total Receipts	1,96,734	2,11,000	2,11,000	2,15,000	

XVIII.—*Marine*—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Sale-proceeds of vessels and stores	Rs. 1,138	Rs. 2,000	Rs. 1,000	Rs. 2,000	Progressive increase. Receipts are of a fluctuating character.
Registration and other fees	52,970	55,000	53,000	61,800	
Pilotage receipts { Calcutta	9,63,884	10,00,000	11,40,000	10,78,000	
{ Chittagong	15,031	16,000	15,000	15,000	
Lead money of Volunteers	6,752	4,000	5,000	7,000	
Total ...	10,39,775	10,77,000	12,20,000	11,63,800	
Miscellaneous.					
Deductions for mess-money	11,468	12,000	12,000	12,000	
Contribution to the boat establishment, Goalundo	180	200	200	200	
Marine survey	34,239	34,000	34,000	34,000	
Other items	10,917	8,800	13,800	10,000	
Total Miscellaneous ...	56,834	55,000	60,000	66,200	
GRAND TOTAL ...	10,96,609	11,32,000	12,80,000	12,20,000	

XIX.—Education—

	General	2,19,133	2,13,000	2,25,000	2,25,000	
Fees, Government Colleges ...	Professional	51,073	50,000	50,000	50,000	
Fees, Schools (General)	3,64,031	3,74,000	3,65,000	3,65,000		
(Special)	13,491	16,000	14,000	14,000		
Sale-proceeds, &c., of Reformatory Schools ... ..	...	...	35,000	35,000		
Contributions from Native States, private persons and Municipalities	12,895	9,500	18,000	18,000		
Income from endowments	900	7,500	3,000	3,000		
Miscellaneous	25,851	39,000	25,000	25,000		
Total	6,87,374	7,00,000	7,35,000	7,35,000		

Revised which is based on actuals of 9 months, repeated for Budget.

XX.—Medical—

Medical School and College fees	54,289	40,000	60,000	60,000
Hospital receipts (receipts from paying patients)	95,143	95,000	90,000	90,000
Lunatic Asylum receipts	12,186	12,000	25,000	15,000
Medicines sold by Civil Surgeons	564	.....	.....	.....
Contributions (from Municipalities and private persons)	60,323	40,000	40,000	40,000
Miscellaneous	4,167	5,000	5,000	5,000
Total	2,35,672	2,01,000	2,20,000	2,10,000

There were larger receipts in 1900-1901 specially on account of extra servants for paying patients.

Actuals of 1899-1900 include a contribution of Rs. 30,000 for 1900-01 realised from the Calcutta Municipality.

XXI.—Scientific and other Minor Departments—

Botanical and other public garden receipts ...	5,602	11,600	5,000	5,000	Sale of stones at the Birch Hill Park was over estimated in the Budget for 1900-1901.
Veterinary and stallion receipts ...	10,299	11,000	10,000	11,000	
Cinchona plantation receipts ...	1,58,820	1,50,000	2,10,000	1,75,000	Increase in Revised due to larger supplies of cinchona to the Medical Depot, and the public.
Receipts on account of experimental cultivation ...	1,295	1,400	1,000	1,500	
Receipts on account of public exhibitions and fairs...	.....	.....	2,000	.....
Emigration fees ...	26,552	25,000	36,000	26,000	Increase in Revised based on actuals of the year.
Examination fees ...	3,260	5,000	2,000	4,500	
Miscellaneous ...	21	.....	.....	.....
Total ...	2,05,840	2,04,000	2,66,000	2,23,000	

XXII.—Receipts in aid of Superannuation—

Family subscriptions of Native members of the Covenanted Civil Service	1,591	2,000	2,000	2,000	Based on actual demands.
Contributions of officers lent to Municipalities or Corporations	12,023	10,000	8,000	8,000	
Contributions of Medical Officers lent to Municipal- ities, District Boards and Local Bodies	41,528	36,000	33,000	33,000	
Contributions of Officers lent to Foreign Service	5,267	6,000	4,000	4,000	
Contributions of persons employed by the Court of Wards	58,818	52,000	45,000	55,000	
Total contributions for Pensions and Gratuities	7,970	9,000	9,000	8,000	
Deductions for Pension Fund (Marine)	333	.....	.....	.....
Refunds of Gratuities	68,712	83,000	56,000	65,000	
GRAND TOTAL					

XXIII.—Stationery and Printing—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Stationery receipts	Rs. 1,408	Rs. 10,000	Rs. 1,000	Rs. 2,000	Estimate, 1900-1901 based on previous actuals has not been realised. These are fluctuating.
Sale of Gazettes and other publications	99,886	1,01,000	1,06,000	1,01,000	
Other Press receipts	58,759	55,000	53,000	60,000	
Total	1,60,053	1,66,000	1,70,000	1,63,000	

XXV.—Miscellaneous—

Unclaimed deposits	4,74,823	4,20,000	4,20,000	4,57,000	Based on actuals.
Treasure-trove	173	.....	.....	200
Sale-proceeds of Durbar presents	8,423	12,000	5,000	8,000	
Sale of old stores and materials	50,324	45,000	45,000	45,000	(a) Estimate for 1900-1901 included Rs. 8,000 for arrears collected from the suburbs of Hastings, which are now taken under Land Revenue.
Sale of lands and houses, &c.	770	5,000	1,000	1,000	
Fees for Government audits (of Municipal and Excluded Local Funds)	51,275	58,000	55,000	54,000	
Rents	18,256	(a) 22,000	14,000	18,000	
Miscellaneous fees, fines, and forfeitures	6,497	10,000	5,000	6,800	
Contributions	33,308	52,000	30,000	30,000	
Miscellaneous—					
Fees and fines of Revenue Courts	48,377	35,000	50,000	50,000	
Recoveries of Law charges other than those in Pauper suits	10,970	15,000	16,000	16,000	
Receipts of the steamer <i>Chaffinch</i> in Chittagung	1,569	1,000	4,000	2,000	
Other items	30,396	20,000	(b) 80,000	30,000	
Total	7,35,830	7,04,000	7,05,000	7,18,000	(b) Revised includes special receipts of Rs. 10,000 from Wards' estates in Saran and of Rs. 9,000 on account of sale-proceeds of trees in Calpaiguri.

XXIX.—Irrigation.—Major Works—(Direct Receipts).

Orissa Canals	4,42,497	4,00,000	3,75,000	3,75,000	Decrease due to the opening of the Bengal-Nagpur Railway.
Midnapore Canal	2,38,652	2,02,000	2,08,000	2,08,000	
Hijili Tidal Canal	58,234	62,000	57,000	62,000	Increases in Revised due to continued increased demand for irrigation water for rabi crop.
Sone Canals	10,95,851	10,54,000	11,10,000	10,75,000	
Total	18,29,734	17,18,000	17,50,000	17,18,000	

XXX.—Minor Works and Navigation—

IN CHARGE OF PUBLIC WORKS DEPARTMENT.					
Irrigation and Navigation Works.					
Works for which Capital and Revenue accounts are kept—					
Saran Canal	2,354	900	800	1,000	Increase in Revised is under navigation receipts arising from good crops and larger demand for rice, owing to scarcity in certain districts.
Calcutta and Eastern Canals	4,50,202	4,32,100	4,46,500	4,52,000	
Orissa Coast Canal	48,877	52,000	46,000	50,000	
Total ...	5,02,833	4,85,000	4,93,300	5,03,300	
Works for which only Revenue accounts are kept—					
Nadia Rivers	1,10,321	1,10,100	1,05,000	1,10,000	
Gajghatta and Buxi Khal	4,500	4,100	4,000	4,000	
Total ...	1,15,321	1,14,200	1,09,000	1,14,000	
Works for which neither Capital nor Revenue accounts are kept—					
Eden Canal	26,980	30,500	30,000	30,500	
Teur Canal	64	100	200	200	
Total ...	27,044	30,600	30,200	30,700	
Total Irrigation and Navigation Works ...	6,52,198	6,29,800	6,52,500	6,48,000	
Agricultural Works.					
Works for which neither Capital nor Revenue accounts are kept—					
Government embankments	9,798	6,000	6,900	5,500	
Takavi embankments under contract	4,435	3,200	4,000	4,500	
Total Agricultural Works ...	14,231	9,200	11,500	10,000	
Total in charge of Public Works Department ...	6,66,429	6,39,000	6,64,000	6,58,000	
IN CHARGE OF CIVIL DEPARTMENT.					
Recoveries on account of lands benefited by embankments					
Recoveries on account of capitalized maintenance charges of the Rajapur drainage	1,05,513	1,03,000	1,05,000	2,04,000	Based on annual average demand.
Miscellaneous receipts of the—					
Dankuni Canal	4,447	6,000	4,000	4,000	Based on actuals.
Howrah					
Rajapur					
Total in charge of Civil Department ...	1,23,960	1,26,000	1,26,000	1,25,000	
GRAND TOTAL ...	7,90,389	7,65,000	7,70,000	7,83,000	

XXXII.—Civil Works—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.					
Total gross receipts	Rs. 2,26,694	Rs. 1,73,000	Rs. 2,00,000	Rs. 1,88,000	These include Government share of the profits of the Darjeeling-Himalayan Railway which were high in 1899-1900, but since declined owing to the damages done to the line by cyclone and landslips.
IN CHARGE OF THE CIVIL DEPARTMENT.					
Tolls on ferries	2,47,394	2,75,000	2,46,000	2,50,000	The actual collections have not been as high as estimated for in the budget for 1900-1901.
Cemetery receipts	2,026	2,000	2,000	2,000	
Staging bungalows	8,632	10,700	11,900	10,900	
Encamping ground	58	300	100	100	
Total	2,58,110	2,88,000	2,60,000	2,63,000	
GRAND TOTAL	4,84,804	4,61,000	4,60,000	4,51,000	

APPENDIX B.

Bengal Provincial Expenditure, in detail, of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

The remarks in column 6, except when otherwise specially explained, refer to differences between columns 3 and 5.

1.—Refunds and Drawbacks—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned Estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Land Revenue (one-fourth)	19,900	15,000	19,000	19,000	Based on original. Increase consequent on increase of revenue.
Stamps (three-fourths)	1,19,811	1,20,000	1,20,000	1,23,000	
Excise (one-half)	4,857	6,000	6,000	7,000	
Assessed Taxes (one-half)	13,404	13,000	13,000	13,000	
Forest (one-half)	1,092	7,000	6,000	1,000	Estimates for 1900-1901 include a special payment to Rani Amriteswari Debi on account of drift timber.
Registration (one-half)	2,800	2,000	2,000	3,000	
Provincial Rates	10,946	18,000	15,000	10,000	Based on actuals. Increase consequent on increase of revenue.
Customs (other than Export and Import duty) ...	5,294	2,000	10,000	8,000	
Total ...	1,78,324	1,83,000	1,91,000	1,84,000	

2.—Assignments and Compensations—

Malikana	1,54,577	2,00,000	1,55,000	1,75,000	Based on average claims and arrears undrawn in 1900-1901.
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3.—Land Revenue—

Charges of district administration :—								
General establishment	27,16,113	27,63,000	26,44,000	28,54,000	Increase due to revision of Tauzi establishments in several districts, and increase of general establishments in others. Budget also includes salaries of Record-keepers formerly taken under "Copy-making establishment" and provision of a moiety of one lakh for improving the status of the Executive Branch of the Provincial Service, the other moiety being taken under Law and Justice. Decrease in Revised due to absence of officers on deputation and long leave out of India.
Sub-divisional establishment	...	...	...	1,13,935	1,18,000	1,16,000	1,21,000	
Partition establishment	...	...	...	120,478	—5,000	—6,000	—1,000	
Process-serving establishment	...	...	...	1,86,872	1,93,000	2,08,000	2,05,000	
Record-room (or copy-making) establishment	...	...	...	15,692	48,000	10,000	16,000	Actuals, 1899-1900, includes Rs. 16,600 for refund of partition fees. Estimate, 1900-1901, includes salaries of Record-keepers now adjusted under General establishment.
Total General Establishment	...	...	...	30,53,050	31,17,000	29,78,000	31,65,000	
Survey of waste lands (establishment)	...	...	...	18,842	22,000	19,000	27,000	Increase under Temporary establishment for ordinary cultivation.
Management of private estates under Act X of 1892	...	...	...	28,768	29,000	29,000	29,000	
Total charges for district administration	...	...	...	31,00,660	31,68,000	30,26,000	32,51,000	
Management of Government estates :—								
Collection of Revenue	...	...	...	2,91,488	2,85,000	2,92,000	2,93,000	Increase proportionate to increase of Revenue.
Outlay on Improvements	...	...	...	2,16,206	2,16,000	2,38,000	2,74,000	
Survey and settlements :—								
Survey operations	...	...	...	36,000	85,000	81,000	61,000	Decrease due to a larger share of the cost of the office of the Director of Land Records being taken against Bihar Settlement Operations. Larger grant for maintenance of registers under the Land Registration Act.
Settlement operations	...	...	...	1,07,603	1,20,000	1,32,000	1,33,000	
Minor Settlements	...	...	...	53,918	40,000	80,000	48,000	
Land Records and Agriculture :—								
Superintendence	...	...	...	52,402	57,000	55,000	48,000	
District charges	...	...	...	32,252	36,000	33,000	42,000	
GRAND TOTAL				...	39,81,824	40,06,000	39,37,000	43,02,000

6.—Stamps—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Superintendence—					
Presidency Executive Establishment ...	Rs. 81,379	Rs. 78,000	Rs. 82,000	Rs. 86,492	Increase in Revised due to the adjustment under this head of rewards in stamp cases paid in Calcutta formerly adjusted under 7.—Excise. Farther increase in Budget due to a provision for rent of a godown at the Port Commissioners' Jetty and for purchase of trestles.
District Establishment ...	5,822	8,000	6,000	7,788	
				94,280	
				280	
Deduct for rounding ...	.....	.....	.....	94,000	
Charges for the sale of general stamps—					{ Increase due to higher rate of discount allowed on sale of non-judicial stamps from 1st April, 1900.
Discount on sale of one-ann stamps ...	13,411	13,000	25,500	25,000	
Ditto bills of exchange ...	3,022	3,000	4,500	6,000	
Ditto other general stamps ...	88,571	90,000	1,55,000	1,55,000	
Charges on sale of court-fee stamps—					{ Decrease due to reduction in the rate of discount from 1st April, 1900.
Discount on sale of adhesive stamps ...	1,25,035	1,27,880	92,000	1,10,000	
Ditto stamps for copies ...	11,074	12,000	8,070	9,580	
Establishment for sale of stamps ...	30	120	30	120	
Discount on plain paper ...	16,533	16,000	20,000	18,000	
Stamp paper supplied from Central Stores ...	3,02,323	3,20,000	3,26,000	3,37,000	
Total ...	6,47,499	6,77,000	7,20,000	7,54,000	
Provincial share (three-fourths) ...	4,85,624	5,08,000	5,40,000	5,66,000	

7.—Excise—

Superintendence ...	85,411	80,000	84,000	86,000	Increase due to increase of pay of Personal Assistant to the Commissioner of Excise.
Presidency establishment— Calcutta Collectorate ...	87,994	74,000	68,000	72,000	
Inspection and Prevention ...		19,000	16,000	16,000	Decrease due to the present Deputy Collector being on lower rate of pay.
District Executive establishment— Sadar establishment ...	99,098	99,000	1,04,000	1,03,650	{ Fluctuations in Revised due to grade promotions and provision of Rs. 10,000 for improving and strengthening the Preventive establishment not having been utilized. Budget includes a provision of Rs. 50,000 for improvement of the establishment.
Inspection and prevention ...	1,68,550	1,77,000	1,67,000	2,13,750	
Allowances ...	1,05,965	1,06,000	1,05,000	1,08,690	
Distilleries— Presidency establishment ...	6,716	8,000	7,000	7,500	
District establishment ...	1,42,833	1,38,000	1,36,000	1,36,500	
Total ...	6,96,567	7,01,000	6,87,000	7,44,000	
Provincial share (one-half) ...	3,48,284	3,51,000	3,43,000	3,72,000	

8.—Provincial Rates—

Collection of rates and cesses ...	3,40,194	3,36,000	3,01,000	3,86,000	{ Includes charges for the newly-created Boards in the districts of the Chota Nagpur Division.
Valuations and re-valuations ...	59,377	1,44,000	1,37,000	2,66,000	
Total ...	4,08,561	4,80,000	4,38,000	6,52,000	
Deduct—Portion debitable to Local for cost of Road Cess collections and re-valuations ...	2,01,847	3,20,000	2,92,000	4,35,000	
Deduct—1rd share of recoveries of cost of collection of arrears cesses ...	1,17,314	1,60,000	1,46,000	2,17,000	
	56,771	.....	60,000	60,000	Full credit for these is taken in Local Fund budget. Proportionate deduction in favour of Provincial was omitted from estimate, 1900-1901. Represents half the total Refunds adjusted in Provincial account under 1.—Refunds.
Deduct—Amount of refunds of Road Cess adjustable under this head ...	60,443	1,60,000	89,000	1,57,000	
	.....	.....	8,000	8,000	
	60,443	1,60,000	78,000	1,52,000	
Deduct—Amount of contribution for pension of the cess-collecting establishment (1/4 of 1/2 of the pay) ...	.....	8,000	18,000	9,000	Revised, includes adjustment of arrears.
Total Provincial ...	60,443	1,52,000	60,000	1,43,000	

9.—Customs—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
CALCUTTA.					
Salaries	Rs. 61,032	Rs. 62,000	Rs. 67,000	Rs. 63,934	Increase in Revised due to privilege leave allowances.
Collector's establishment	1,72,235	1,80,000	1,76,200	1,82,233	Decrease in Revised due to sanctioned establishment not having been fully entertained during the year.
Preventive establishment	82,655	86,000	84,000	86,520	
Allowances	1,54,113	1,34,040	1,77,600	1,66,000	Increase in Revised due to larger payment of Overtime allowances.
Supplies and services	25,515	30,700	32,400	33,390	
Contingencies	21,303	22,000	21,000	20,400	
Total Calcutta	8,70,358	8,86,700	9,01,200	9,26,530	
Balasore	7,159	7,000	6,600	7,000	
Chittagong	30,388	28,000	31,000	34,000	Increase under overtime allowances.
Cuttack	7,853	8,000	8,070	8,000	
Dacca	700	700	700	700	
Puri	1,630	1,600	1,500	1,770	
GRAND TOTAL	9,18,988	9,32,000	9,54,000	9,78,000	

10.—Assessed Taxes—

Calcutta establishment	69,192	68,806	69,000	70,629	Decrease in Revised due to smaller expenditure on travelling allowance.
District ditto	1,21,799	1,27,134	1,21,000	1,29,301	
Total	1,90,991	1,96,000	1,90,000	2,00,000	
Provincial share (one-half)	95,495	98,000	95,000	1,00,000	

11.—Forests—

A.—Conservancy and Works.					
I.—Timber and other produce removed from the forests by Government agency	34,023	31,000	61,800	74,200	Increase due to larger sleeper and other operations for which increased revenue is anticipated.
II.—Timber and other produce removed from the forests by consumers or purchasers	57,978	62,000	58,000	62,400	
III.—Drift and waif-wood and confiscated forest-produce	2,239	2,300	2,300	2,800	
VI.—Live-stock, stores, tools and plant	10,720	29,500	11,000	31,000	Includes provision for the purchase of an elephant in place of one dead.
VII.—Communications and buildings	59,342	58,600	51,400	74,200	
VIII.—Organization, improvement and extension of forests	51,088	63,000	66,000	74,700	Increase due to surveys under progress.
IX.—Miscellaneous	14,697	5,700	6,500	7,100	
Total A—Conservancy and Works	2,39,687	2,53,000	2,57,600	3,27,000	
B.—Establishments.					
I.—Salaries	2,48,127	2,78,100	2,61,900	3,03,000	Increase due to creation of 3 additional appointments in Imperial and Provincial services and re-organisation of office establishments. Increase for 3 additional officers.
II.—Travelling allowances	42,431	41,800	44,700	44,800	
III.—Contingencies	14,960	16,100	15,800	17,200	
Total B—Establishments	3,05,518	3,36,000	3,22,400	3,65,000	
GRAND TOTAL OF EXPENDITURE	5,45,205	5,89,000	5,80,000	6,90,000	
Provincial share (one-half)	2,72,602	2,94,000	2,90,000	3,45,000	

12.—Registration—

Superintendence	54,313	53,000	52,500	53,000	Decrease due to appointment of an officer on lower pay.
District charges— Calcutta	20,919	21,680	22,000	18,500	
Special Sub-Registrars	2,05,309	2,12,320	2,12,500	2,13,000	Increase due to general expansion of the operations of the Department.
Rural ditto	5,91,255	6,20,000	6,22,000	6,23,000	
Ex-officio ditto	1,105	1,000	1,000	1,500	
Total	8,18,648	8,55,000	8,57,500	8,60,000	
GRAND TOTAL	8,72,961	9,08,000	9,10,000	9,13,000	
Provincial share (one-half)	4,36,480	4,54,000	4,56,000	4,57,000	

13.—Interest on Ordinary Debt—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Interest on Provincial advance and loan account ...	Rs. 2,31,574	Rs. 2,37,000	Rs. 2,18,000	Rs. 2,15,000	Based on the estimated mean outstanding balance of loans carrying interest at 3½ per cent. per annum.

15.—Post Office—

District Post charges ...	2,585	3,000	3,000	3,000	
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18.—General Administration—

Salary of Lieutenant-Governor ...	96,000	96,000	1,09,000	96,000	Increase in Revised due to the Chief Commissioner of Assam having drawn his pay for three months in Calcutta.
Staff and household of Lieutenant-Governor ...	51,107	36,800	52,000	37,500	Actuals and Revised include bill journey charges, which are budgeted for under Tour charges.
Tour expenses ...	28,640	34,000	30,000	34,000	
Legislative Council ...	32,404	34,400	27,000	35,500	Decrease in Revised due to the permanent Assistant Secretary having been on long leave.
Civil Secretariat— Civil Secretariat (proper) ...	5,37,249	5,31,200	5,58,000	5,22,500	Increase in Revised due to privilege leave allowances and larger expenditure on a count of officers on special duty. Decrease in budget due to transfer of Statistical Department to Director-General of Statistics.
Marine Department ...	17,416	15,000	12,000	16,700	Decrease in Revised due to adjustment of contingencies under Civil Secretariat (proper).
Transmitters' Department ...	27,065	27,000	27,000	26,200	
Librarians' Department ...	4,853	5,000	5,000	4,000	
Board of Revenue ...	2,76,004	2,78,000	2,81,000	2,92,000	Includes a lump provision of Rs. 18,000 for keeping Collectorate and other record-rooms in order.
Commissioners ...	5,89,591	5,83,600	5,67,000	5,90,000	Reduction in revised due to the provision for an additional Commissioner not having been fully utilised. Increase in budget is chiefly for establishment.
Civil Offices of Account and Audit ...	57,540	64,000	49,000	49,000	Recoveries from Incorporated Local Funds which are adjusted by reduction of expenditure were under-estimated in the budget for 1900-1901.
Total ...	17,19,668	17,05,000	17,17,000	17,11,000	

19A.—Law and Justice—Courts of Law—

High Court— Judges ...	6,08,655	6,62,000	6,32,000	6,52,000	Decrease in Revised due to no arrangement having been made during the absence on furlough of one of the Puisne Judges.
Original Side ...	2,06,466	2,12,150	1,90,000	2,10,903	Decrease in Revised due to the "commission to the Receiver" not having been drawn.
Appellate Side ...	2,27,311	2,26,304	2,24,000	2,26,336	
Copyist Establishment ...	67,376	67,202	74,000	76,100	Includes charges for making copies for parties hitherto kept out of account and paid from copying fees.
Reporters ...	22,344	22,344	22,000	22,344	
Total ...	11,31,551	11,80,000	11,55,000	11,87,683	
Law Officers— English Law Officers ...	89,465	99,963	1,03,000	1,03,463	Based on actuals of 1900-1901.
Legal Remembrancer and High Court Pleaders ...	75,161	81,437	82,000	86,181	Increase due to increase of pay of the Superintendent and Remembrancer of Legal Affairs.
Mufassal Establishment ...	1,58,650	1,53,600	1,51,000	1,65,331	Based on average of past actuals.
Total ...	3,23,276	3,35,000	3,36,000	3,54,975	
Coroner's Court ...	7,996	8,000	8,000	7,544	
Presidency Magistrate's Court ...	69,533	68,000	66,000	66,511	
Civil and Sessions Courts— District and Sessions Judges ...	12,06,628	12,27,916	12,48,930	12,56,957	Increase in salaries of District Judges due to re-organisation.
Subordinate Judges ...	6,08,489	6,10,479	6,18,070	6,31,532	Increase due to a provision of Rs. 40,000 for improvement of the Subordinate Judicial Service and also for increase in establishment.
Munsifs ...	15,67,623	15,79,003	15,83,000	16,22,936	
Allowances ...	27,942	27,000	26,500	29,000	Estimate based on local requirements.
Supplies and Services ...	4,07,054	4,00,900	4,11,500	4,08,900	Based on actuals.
Contingencies ...	1,32,799	1,53,135	1,55,000	1,54,335	Based on requirements.
Process-serving Establishment ...	7,00,540	7,78,830	7,59,000	8,09,540	Decrease in Revised, under Establishment and Contingencies. Larger provision made in budget for increase of establishment.
Product—Probable savings ...	.....	(—)15,263	.....	.....
Total ...	47,01,075	47,62,000	47,82,000	49,13,800	
Carried over ...	62,33,431	63,55,000	63,47,000	65,30,513	

19A—Law and Justice—Courts of Law—concluded.

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Brought forward ...	Rs. 62,33,431	Rs. 63,53,000	Rs. 63,47,000	Rs. 65,30,513	
Courts of Small Causes ...	1,62,383	1,70,000	1,64,000	1,71,500	
Criminal Courts— General Establishment ...	22,82,237	23,38,000	23,18,000	24,17,329	Estimate includes the provision of Rs. 50,000 for improvement of the Executive Branch of the Provincial Service. An equal sum included under 3—Land Revenue.
Sub-divisional Establishment ...	1,13,935	1,18,000	1,16,000	1,16,000	
Process-serving Establishment ...	99,481	1,00,000	83,000	83,052	Decrease in Revised due to savings in the process-serving Establishment on account of smaller number of processes issued.
Total ...	24,95,653	25,56,000	25,17,000	26,24,372	
Pledership Examination Charges ...	17,623	16,000	14,000	13,000	
Refunds ...	68,718	75,000	78,000	73,900	Based on past actuals.
Total ...	.....	.....	.....	94,13,385	
Deduct—For rounding ...	.....	.....	.....	385	
GRAND TOTAL ...	89,78,414	91,70,000	91,20,000	94,13,000	

19B.—Jails—

Jails—					
Superintendence ...	45,078	53,000	48,000	52,108	
Establishments ...	4,85,833	5,17,000	(a) 4,78,000	5,07,445	(a) Savings partly due to the non-utilization of the grant for the improvement of the Warder service and partly under Superintendent's pay.
Dietary Charges ...	6,06,448	5,75,000	6,64,000	6,55,600	Increase in Revised and Budget due partly to an increase in jail population and partly to high prices of food-grains.
Hospital Charges ...	74,273	73,600	83,000	85,285	Reduction due to the transfer of Reformatory Schools to Education Department.
Clothing and Bedding of Prisoners ...	1,10,945	1,00,000	1,00,000	97,500	Based on actuals.
Sanitation Charges ...	32,141	33,000	33,000	34,150	Based on local requirements.
Charges for moving Prisoners ...	48,173	50,000	50,000	49,375	
Miscellaneous Services and Supplies ...	1,14,084	1,17,000	1,21,000	1,19,050	
Allowances ...	7,375	9,000	9,000	7,900	
Contingent Charges ...	37,468	42,000	38,000	42,041	
Extraordinary Charges for Live-stock and Tools and Plant ...	20,889	24,000	24,000	27,503	Includes provision for purchase of English stores for electric plant.
Charges for Police Custody ...	13,063	10,000	13,000	1,000	Represents fixed contract grant, plus Rs. 1,000 for diet and conveyance of under-trial prisoners of the Calcutta Police Lock-up.
Reformatory School ...	56,481	.....	.....	.....	transferred to 22—Education.
Total Jails ...	16,52,251	16,03,000	16,61,000	16,67,957	
Jail Manufactures ...	8,01,482	7,65,000	(b) 11,19,000	8,16,762	(b) Increase in Revised is for larger outlay on raw materials with reference to larger supplies to Military and Police Department and higher price paid for mustard seed.
Refunds ...	26	1,000	.....	1,000	
Add for rounding ...	.....	.....	.....	24,85,719	
GRAND TOTAL ...	24,53,759	23,69,000	27,80,000	24,86,969	

* The charges were distributed over the several heads in the budget for 1900-1901.

20.—Police.—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Presidency Police— Police Commissioner	Rs. 58,044	Rs. 55,400	Rs. 55,000	Rs. 58,200	Increase due to increment of pay of the Commissioner of Police and increased grant for establishment.
Calcutta Police	7,10,183	7,46,700	7,46,000	7,68,700	Estimate includes provision for the full sanctioned strength with their clothing; for feed and keep of horses; and for increased rents, rates and taxes, and horse allowances.
River Police	10,277	9,000	9,000	9,200	
Salt Police	3,617	4,100	4,000	4,100	
Police Dead-house	791	800	1,000	800	
Refunds	11,959	10,000	15,000	10,000	
Total	7,94,871	8,26,000	8,30,000	8,51,000	
Municipal Police	52,096	50,000	50,000	49,000	Decrease due to re-distribution of grades with those in District Executive Force.
Superintendence	1,54,752	1,58,000	1,48,000	1,52,500	Decrease in Revised due to appointment of officers on lower pay and absence of any charge for purchase of tents. Decrease in Budget due to the appointment of an Assistant Superintendent of lower pay in the special grade.
District Executive Force— Salaries	4,56,047	4,95,000	4,56,000	5,00,000	Decrease in Revised based on actuals of eight months. Provision made in Budget for four probationers in excess of the present scale.
Police Force	50,72,621	51,26,575	51,00,000	51,98,000	Increase due to re-distribution of grades with the Railway Police, to increase of force sanctioned in several districts, and for the Criminal Identification Department of the office of the Inspector-General of Police, and to annual increased provision of Rs. 28,200 for the gradual substitution of Sub-Inspectors for Head Constables for investigating work, as recommended by the Police Commission.
Training School for Sub-Inspectors	12,753	13,000	13,000	13,000	
Establishment	1,68,986	1,73,465	1,73,000	1,75,000	
Hospital charges	36,790	34,500	36,000	38,000	Provision made for cooks for Police Hospitals in 35 districts.
Allowances	3,18,956	3,34,000	3,20,000	3,30,000	Based on actuals.
Supplies and Services	4,30,540	3,53,500	4,30,000	3,46,800	
Contingencies	1,79,595	2,78,400	1,70,000	2,79,400	
Other Police	31,429	40,000	30,000	31,000	
Total	47,07,717	48,48,500	47,22,000	49,11,200	
Village Police	15,884	40,000	37,000	50,000	Provision made for dafadar chaukidars in Orissa owing to resumption of chakran lands. Decrease in Revised due to the Chaudhari Act not having been introduced in the district of Furl.
Special Police— Bengal Military Police	63,589	60,000	60,000	70,800	Includes provision for an Assistant Superintendent.
Frontier Police, Chittagong	43,917	45,500	46,000	45,600	
Frontier Police, Angul	27,209	25,500	30,000	29,400	
South Lushai Hills Police	190	.....	.....	.....
Upper Burma Police Depot	5,352	6,700	5,000	6,700	
Total	1,40,257	1,46,700	1,50,000	1,52,500	
Railway Police— East Indian Railway Police	44,500	52,000	51,000	52,000	Based on local requirements.
East Coast Railway Police	2,923	4,000	3,000	3,500	
Eastern System Railway Police	64,919	71,500	65,000	72,900	
Assam-Bengal Railway Police	4,029	5,500	4,000	5,500	
Bengal and North-Western and Tinsukia State Railway Police	7,173	11,000	7,000	10,500	
Bengal-Nagpur Railway Police	4,810	8,000	5,000	9,000	
Bengal Central Railway Police	2,678	2,500	3,000	2,500	
South Bihar Railway Police	11	.....	.....	.....
Total	1,31,043	1,54,500	1,58,000	1,55,900	
Cattle-pounds	2,692	3,300	1,000	1,600	
Refunds	730	1,000	8,000	1,300	
GRAND TOTAL	60,00,651	62,34,000	60,84,000	63,25,000	

21.—Marine—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Salaries and allowances of officers and men afloat ...	Rs. 63,730	Rs. 60,100	Rs. 60,000	Rs. 60,000	Estimated with reference to sanctioned estimate.
Victualling of officers and men afloat ...	18,324	20,000	19,000	20,200	
Purchase of marine stores and coal for the building, repairs and outfit of ships and vessels ...	67,580	80,000	77,000	99,000	Increased provision for heavy repairs to vessels expected to be carried out.
Purchase and hire of ships and vessels ...	23,284	15,000	13,000	15,000	Based on average of actuals.
Pilotage and pilot establishments ...	6,15,562	6,18,000	6,91,000	6,43,000	Decrease in Revised is under Salaries. The estimate includes provision for Assistant Port Officer and overtime allowance of the Assistant Shipping Master.
Marine Establishment ...	82,268	84,000	73,000	89,700	
Subsidies to steam-bent companies ...	20,000	20,000	20,000	23,600	Includes provision for a steamer service between Chittagong and Cox's Bazar.
Miscellaneous ...	43,779	48,000	38,000	43,000	Decrease in Revised due to the provision of Rs. 10,000 for grant to the Chittagong Port Fund not being required.
State Yacht Establishment ...	4,723	5,700	5,000	6,000	
Refunds ...	3,274	1,300	5,000	3,100	Raised with reference to past actuals.
Total ...	9,42,524	9,61,000	10,07,000	10,11,000	

22.—Education—

Direction ...	63,874	63,000	65,000	68,000	Increased partly for increments of salary and partly under Allowances with reference to past actuals.
Inspection—					
Inspector of European Schools ...	16,215	17,000	15,000	17,300	Decrease in Revised due to the officer having been on furlough.
Inspectors of other schools ...	3,50,377	3,61,000	3,39,000	3,42,000	Decrease due to the transfer of Sub-Inspectors of the four districts of Chota Nagpur Division to District Boards.
Total ...	3,66,592	3,78,000	3,54,000	3,59,300	
Government Colleges, General—					
English Colleges—					
Arts Colleges ...	3,32,504	3,45,000	3,38,000	3,46,000	Decrease in Revised under Salaries is owing to change of officers and vacancies. In the estimates for 1901-1902 provision has been made for salaries drawn by present incumbents.
Eden Hindu Hostel ...		30,600	25,000	29,000	Actual of 1899-1900 shown under Miscellaneous.
Bethune College ...	33,350	33,000	31,000	34,000	Decrease in Revised due to the Lady Principal having been on furlough. Budget includes provision for a Music Teacher.
Oriental Colleges—					
Sanskrit College ...	36,344	37,000	33,000	37,800	Decrease in Revised due to leave and appointment of officers on reduced pay.
Calcutta Madrassa ...	47,065	46,000	45,000	46,500	
Elliott Madrassa Hostel ...		3,500	3,000	3,400	
Expenditure on furniture and apparatus ...	20,631	15,500	8,000	17,000	Actuals of 1899-1900 shown under Miscellaneous.
Total ...	4,09,894	5,30,000	4,83,000	5,18,700	
Government Colleges, Professional—					
Law Colleges ...	10,172	10,000	10,000	10,600	
Civil Engineering College, Sibpur, Howrah ...	1,67,580	1,96,000	1,72,000	2,17,000	Decrease in Revised due to smaller boarding charges. Increase in Budget due to a provision for two Additional Foremen Instructors, one Additional Professor and additional instructive staff.
Expenditure on petty construction and repairs ...	7,327	6,000	8,000	6,000	
Ditto furniture and apparatus ...					
Total ...	1,85,079	2,12,000	1,80,000	2,33,600	
Government Schools, General ...	6,21,540	6,69,000	6,22,000	6,73,600	Decrease in Revised due to the transfer of the schools in the four districts of Chota Nagpur Division to District Boards and the grant for the Training Colleges for teachers not having been utilised.
Ditto, Special ...	1,79,122	2,08,000	2,22,000	2,76,800	Increase in Budget due to provision for the purchase of models, &c., and for the introduction of Model and Free-hand-drawing in Entrance Examination in accordance with the Circular issued by the Calcutta University and also for the opening of industrial and commercial classes in certain high schools.
Grants-in-aid ...	6,31,981	6,40,000	6,00,000	6,74,000	Increase due to the transfer of the charges of Reformatory Schools from (B) Jails.
Scholarships ...	1,97,486	2,00,000	2,06,000	2,00,000	Larger provision made for building grants. Decrease in Revised is based on actuals.
Miscellaneous ...	99,181	79,000	57,000	2,02,000	Based on actuals.
Refunds ...	3,232	1,000	1,000	3,000	Decrease in Revised due to smaller examination charges. Budget includes provision of Rs. 1,25,000 for contribution to President fund proposed to be started for teachers of primary schools. Based on actuals.
Total ...	28,17,981	29,80,000	28,00,000	32,04,000	

24. Medical—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Medical Establishment— Superintendence	72,817	75,000	79,100	79,000	Budget includes provision of Rs. 3,300 for re-grant of savings of past year under Contract Contingencies.
District Medical Establishment	5,73,626	6,00,000	15,62,900	5,90,000	Based on sanctioned scale; Recall of officers' accounts for decrease in Revised.
Reserve Medical Officers and Subordinates	21,033	37,000	16,000	25,000	Decrease due to smaller number of officers on the Reserve list.
Total	6,67,476	7,12,000	6,59,000	6,94,000	
Hospitals and Dispensaries—					
Medical College Hospital	1,38,335	1,48,000	1,47,000	1,47,000	Increase is under diet and clothing of patients. Decrease in Revised due to smaller payments for beds, beddings, and medical stores.
General Hospital	1,38,712	1,53,000	1,44,000	1,55,000	
Campbell Hospital	75,450	90,000	85,000	86,000	Based on actuals. Decrease in Revised due to smaller payment for beds, beddings and medical stores.
Albert Victor Asylum for Lepers	20,530	20,000	18,000	21,000	Decrease in Revised due to smaller payments for diet of patients and clothing. Increase in Budget based on probable requirements.
Mufassal Hospitals and Dispensaries	48,061	60,000	52,000	50,000	Decrease due to local bodies having appointed their own medical officers who are not attached to Government establishment.
Grants to Mufassal Hospitals and Dispensaries	50,111	56,000	47,000	58,000	Decrease in Revised estimate due to some of the grants not having been drawn.
Total	4,71,199	5,36,000	4,93,000	5,17,000	
Sanitation and Vaccination	1,74,102	1,81,000	1,71,000	1,82,000	Decrease in Revised due to vacancies and smaller payments on account of purchase of furniture.
Grants for Medical purposes—					
Expenses during the prevalence of plague	4,94,563	2,85,000	2,61,000	5,65,000	Revised includes Rs. 60,000 for grants to Municipalities; Budget includes 4 lakhs for plague grants, 1 lakh for direct expenditure and Rs. 65,000 for inspection camps.
Microscopical experiments in jail hospitals and other dispensaries ... ..	.....	1,700	.....	2,000	
Expenses in connection with cholera inoculation ... ..	.....	.....	.....	6,300	
Ditto during the prevalence of cholera and other epidemics	10,602	12,000	15,000	12,000	
Value of Medical Stores	555	1,300	.....	600	
Purulia Leper Asylum ... ..	.....	.....	.....	600	
Deduct—For rounding ... ..	.....	.....	.....	5,88,500	
Total	5,05,721	3,00,000	2,76,000	5,83,000	
Medical Schools and Colleges—					
Medical College	1,70,909	1,74,000	1,76,000	1,75,000	Increase in Revised due to the creation of a new post of Professor of Pathology, against smaller payments for purchase and repairs of furniture.
Medical Schools	1,30,186	1,40,000	1,32,000	1,41,000	Decrease in Revised due to a change of officers and the provision of Rs. 4,000 for purchase of microscope not having been utilized.
Total	3,01,095	3,14,000	3,08,000	3,16,000	
Lunatic Asylums	1,19,197	1,33,000	1,20,000	1,36,000	Decrease in Revised estimate is under Contingencies.
Special Hospital	12,753	15,000	13,000	14,000	Decrease in Revised due to small number of patients.
Chemical Examiner	35,120	33,000	29,000	41,000	Decrease in Revised due to the post of Chemical Examiner having been held for a time by the Assistant Chemical Examiner in addition to his own duties. Budget includes provision for increase to the pay of the Chemical Examiner.
Refund	1,408	2,000	1,000	2,000	
GRAND TOTAL	22,88,100	22,26,000	20,70,000	24,85,000	

25.—Political—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate	Revised.	Budget.	
1	2	3	4	5	6
Entertainment of Envoys and Chiefs ...	Rs. 1,476	Rs. 2,000	Rs. 2,500	Rs. 2,000	Based on requirements. Based on actuals.
Durbar presents and allowances to Vakils, &c. ...	16,365	16,000	13,000	16,400	
Miscellaneous ...	2,887	2,000	1,500	1,600	
Total ...	14,728	20,000	17,000	23,000	

26.—Scientific and other Minor Departments—

Veterinary and Stallion Charges ...	37,206	40,000	36,000	54,000	Decrease in Revised due to smaller expenditure on supplies and services. Budget includes provision for two Veterinary Inspectors, increased grant under Supplies and Services for purchase of models and specimens, and increased provision for purchase and feed of cattle.
Provincial Museums ...	21,683	18,600	18,000	.....	Economic and Art Section transferred from Provincial management.
Imperial Institute ...	244	500	300	500	
Donations to Scientific Societies ...	8,000	8,000	8,000	8,000	
Experimental Cultivation ...	7,640	15,500	14,000	70,000	Includes Rs. 42,000 for the establishment of a Dairy Farm at Pusa, Rs. 5,000 for a grant to the Tea Association and Rs. 7,500 for a grant to the Indigo Association.
Cinchona Plantation ...	1,55,143	1,67,000	1,45,300	1,67,000	Decrease in Revised due partly to vacancies in the menial establishment and partly to deputation and leave out of India of European Officers. Expenditure on European stores and contingencies has been less than the budget grant.
Public Exhibitions and Fairs ...	3,931	2,000	12,000	2,000	Increase in Revised due to the payment of Rs. 7,500 to the Tea Association for the representation of the Indian Tea at the Paris Exhibition.
Botanical and other Public Gardens ...	1,26,286	1,30,600	1,27,000	1,28,500	Decrease in Revised due to the absence on leave of the Head Gardener and vacancies in the menial establishment. Budget includes provision for increase in the pay of menial establishment.
Emigration ...	26,187	26,000	27,000	26,000	
Inspector of Factories ...	18,532	25,000	24,500	23,000	
Census ...	1,241	1,500	1,200	1,500	
Registration of Railway Traffic ...	8,404	8,300	8,000	8,300	
Registration of River-borne Traffic ...	5,131	5,500	6,000	5,200	
Provincial Statistics ...	16,004	17,000	16,300	17,200	
Examinations ...	5,656	5,500	3,500	6,300	Increase in view of Opium and other examinations that will take place during the year.
Inspector of Explosives ...	1,658	.....	100	.....
Miscellaneous ...	719	1,500	1,300	3,000	Includes a reserve provision of Rs. 2,000 for unforeseen requirements.
Refunds ...	569	500	1,500	500	
Total ...	4,44,375	4,71,000	4,50,000	5,52,000	

29.—Superannuation—

Superannuation and retired allowances ...	21,56,803	22,23,000	22,23,000	23,00,000	Increased provision made in view of the annual progressive increase.
Compassionate allowances ...	13,441	15,000	15,000	15,000	
Gratuities ...	7,335	7,000	7,000	7,000	
Marine Department Pensions ...	35,445	40,000	30,000	40,000	The payments in 1900-1901 were not as high as estimated for.
Refunds ...	149	.....	.....	.....
Total ...	22,13,173	23,00,000	22,30,000	23,02,000	

30.—Stationery and Printing—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Stationery Office at the Presidency	Rs. 1,04,502	Rs. 1,65,000	Rs. 1,61,000	Rs. 1,65,000	Estimate includes larger grant for packing cases and contingencies.
Ditto purchased in the country	63,626	62,000	64,000	64,000	Based on actuals.
Government Passes	3,00,384	3,86,000	3,80,000	3,85,000	The grant for wood work and extra lighting arrangements will not be utilised in 1900-1901.
Printing at Private Presses	1,490	6,000	1,000	1,000	
Stationery supplied from Central Stores	5,35,672	6,25,000	6,25,000	6,25,000	
Refunds	1,633	1,000	1,000	2,000	
Total	11,36,307	12,45,000	12,32,000	12,45,000	

32.—Miscellaneous—

Travelling allowances to officers attending examinations	4,438	3,000	1,000	2,000	
Subscription to periodicals	13,902	.....	5,000	5,000	
Rewards for proficiency in Oriental languages, and allowance to Language Examination Committee...	2,510	5,000	2,500	5,000	Provision made with reference to local requirements.
Cost of books and publications	584	1,000	1,000	600	
Donations for charitable purposes	94,717	1,17,000	1,14,000	1,20,000	Decrease in Revised due to smaller payments to the Calcutta Female Nurses Institution.
Charges on account of European vagrants	6,728	7,000	4,500	7,000	
Reward for destruction of wild animals	9,119	15,000	7,000	12,000	Estimate based on past actuals.
Petty establishments	3,031	36,000	33,000	34,000	
Special commissions of Enquiry	100	5,000	1,000	5,000	
Irrecoverable temporary loans written off	1,235	3,000	5,000	3,000	
Charges for search of hidden treasure	56	.....	1,000	1,000	
Rent, Rates, and Taxes	30,304	32,600	33,000	32,000	
Contributions	2,243	18,400	2,000	9,000	This is for the maintenance of telegraph lines. The grant for 1900-1901 has not been fully required.
Miscellaneous and unforeseen charges	8,184	6,000	2,000	7,000	
Miscellaneous refunds	1,06,954	12,000	10,000	12,000	The high actuals of 1899-1900 were due chiefly to refunds to municipalities of charges on account of plague camps incurred by them, including a payment of Rs. 83,000 to the Corporation of Calcutta on account of refund of the amount contributed in 1898-99 towards the cost of plague observation camps at Chausa and elsewhere.
Extraordinary items	91	.....	.....	400	
Total	8,13,196	2,61,000	2,22,000	2,55,000	

33.—Famine Relief—

In charge of the Civil Department ... ..	.....	4,40,000	2,55,000	.....
Ditto Public Works Department	10,997	.....	2,000	.....	The expenditure incurred in 1899-1900 was for survey of roads, &c., establishment and tools and plant.
	10,997	4,40,000	2,60,000	.....

42.—Irrigation—Major Works—(Working Expenses)—

Orissa Canals	4,45,106	4,37,000	4,37,000	4,27,000	
Midnapore Canal	2,71,378	2,33,000	1,83,000	2,20,000	
Hijili Tidal Canal	43,304	50,000	45,000	50,000	
Sone Canals	5,47,919	6,06,000	5,96,000	6,00,000	
Total	13,07,707	13,31,000	12,59,000	12,97,000	

42.—Irrigation—Major Works—(Interest on Debt)—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals	Sanctioned Estimate.	Revised.	Budget.	
1	2	3	4	5	6
Interest	Rs. 24,55,144	Rs. 24,55,000	Rs. 24,55,000	Rs. 24,55,000	

43.—Minor Works and Navigation—

IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.					
IRRIGATION AND NAVIGATION WORKS.					
<i>Works for which Capital and Revenue accounts are kept.</i>					
CAPITAL.					
<i>Works in Progress.</i>					
Calcutta and Eastern Canals	23,503	1,86,750	1,73,750	75,000	Provisions made for <i>Chil</i> route between the <i>Kumbh</i> and <i>Madhumati</i> rivers.
Midnapore Canal	8,000	.....	.....	.....
Orissa Coast Canal	53,032	.....	.....	.....
Orissa Canals	34,900	62,090	47,200	62,200	
Damodar Project	1,200	.....	.....	.....
Sone Canals	13,732	19,000	12,450	31,100	
Total Capital	29,903	2,67,750	2,33,400	1,68,900	
REVENUE.					
Orissa Coast Canal	85,285	95,000	86,780	95,000	
Calcutta and Eastern Canals	2,55,953	2,47,500	2,74,040	2,60,000	
Saran Canals	816	1,025	400	1,100	
Total Revenue	3,42,054	3,43,525	3,61,220	3,56,100	
Total Works for which Capital and Revenue accounts are kept	3,71,957	6,11,275	5,94,620	5,25,000	
<i>Works for which only Revenue accounts are kept.</i>					
WORKS IN PROGRESS.					
Nadia Rivers	1,06,109	1,12,100	1,00,520	1,08,000	
Gaighatta and Buxi Khals	244	625	300	600	
Total Works for which only Revenue accounts are kept	1,06,353	1,12,725	1,00,820	1,08,600	
<i>Works for which neither Capital nor Revenue accounts are kept.</i>					
WORKS IN PROGRESS.					
Bden Canal	43,781	43,700	50,754	44,800	
Tour Canal					
Tribeni Canal					
Total Works for which neither Capital nor Revenue accounts are kept	43,781	43,700	50,754	44,800	
Total Irrigation and Navigation Works	5,22,601	7,67,700	7,46,194	6,78,400	
AGRICULTURAL AND DRAINAGE WORKS.					
<i>Works for which neither Capital nor Revenue accounts are kept.</i>					
WORKS IN PROGRESS.					
Government embankments and works for the improvement of Government and escheated estates	6,46,865	7,35,300	5,87,806	7,21,600	
Midnapore takavi embankments under contract					
Gandak takavi embankments under contract					
Works in charge of Civil Officers					
Total Agricultural	6,46,865	7,35,300	5,87,806	7,21,600	
Total in charge of Public Works Department	11,68,956	15,03,000	13,34,000	14,00,000	
IN CHARGE OF CIVIL DEPARTMENT.					
Embankments under the contract system—					
Establishments	1,480	1,452	1,500	1,452	The estimate represents provision for the combined office establishment of the Howrah and Rajapur drainages.
Contingencies	62	48	.....	48	
Travelling allowance	235	.....	.....	.....
Maintenance charges of the Howrah and Rajapur drainages	3,633	3,852	3,000	2,700	
Rajapur drainage works	1,843	.....	.....	.....
Refunds ... ..	.....	.....	1,500	.....
Add—For rounding		5,352	648	284	
Total in charge of Civil Department	7,248	6,000	6,000	5,000	
GRAND TOTAL	11,76,204	15,09,000	13,40,000	14,05,000	

45.—Civil Works—

HEADS.	1899-1900.	1900-1901.		1901-1902.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.					
<i>Original works.</i>					
Civil Buildings	12,87,132	8,28,101	8,30,000	16,60,700	
Communications	2,35,321	2,31,300	1,63,000	3,33,300	
Miscellaneous Public Improvements	25,742	1,15,000	2,89,000	2,50,000	
Total	15,48,095	11,74,401	12,72,000	22,44,000	
<i>Repairs.</i>					
Civil Buildings	4,66,775	5,30,000	4,17,000	5,40,000	
Communications	9,69,209	9,65,300	13,84,000	9,60,000	
Miscellaneous Public Improvements	1,47,589	60,570	60,000	60,000	
Total	15,83,573	15,55,870	18,61,000	15,60,000	
Establishment	8,95,849	9,32,729	8,30,000	7,60,570	
Tools and Plant	23,306	87,000	71,000	23,430	
Stock and Suspense	—87,579	.....	60,000	.....
Total in charge of Public Works Department	39,02,944	37,50,000	41,00,000	45,88,000	
IN CHARGE OF THE CIVIL DEPARTMENT.					
Ferry charges	9,452	8,956	8,000	9,000	
Refunds of ferry tolls	32,716	35,000	37,000	33,000	
Contributions to Excluded Local Funds and Municipalities	1,02,062	90,000	60,000	2,21,000	Grant of Rs. 30,000 provided for in 1900-1901 on account of contribution to Patna Municipality for a hospital building has not been drawn. Budget includes provision for acquisition of lands for burial grounds and general reserve.
Staging bungalows	10,444	11,125	10,000	10,920	
Encamping grounds	547	1,113	1,000	1,480	
Add or deduct—For rounding ... ..	.....	—194	.....	+600	
Total in charge of Civil Department	1,65,221	1,46,000	1,16,000	2,76,000	
GRAND TOTAL	40,58,165	38,96,000	42,16,000	48,64,000	

Contribution from Provincial to Local.

[The figures are in thousands.]

	ACTUALS, 1899-1900.		BUDGET, 1900-1901.		REVISED, 1900-1901.		BUDGET, 1901-1902.		REMARKS.
	Receipts.	Charges.	Receipts.	Charges.	Receipts.	Charges.	Receipts.	Charges.	
1	2	3	4	5	6	7	8	9	10
Land Revenue	Rs. ...	Rs. 2 ...	Rs. ...	Rs. 74 ...	Rs. ...	Rs. 71 ...	Rs. ...	Rs. 80 ...	
Provincial Rates ... ..	... ..	4 ...	... ..	3 ...	... ..	2 ...	... ..	2 ...	
Post Office ... ..	... ..	1 ...	... ..	... ..	... ..	... ..	... ..	... ..
General Administration... ..	... ..	11 ...	... ..	11 ...	... ..	11 ...	... ..	12 ...	
Police	4,20 ...	22 ...	4,20 ...	22 ...	4,34 ...	24 ...	4,34 ...	29 ...	Increase for the introduction of the Local Self-Government Act in the Chota Nagpur Division with effect from 1st April, 1900.
Education	25 ...	10,42 ...	25 ...	11,05 ...	27 ...	11,99 ...	27 ...	12,07 ...	Includes special grants of Rs. 84,000 for plague charges.
Medical ... ..	... ..	5 ...	... ..	3 ...	... ..	92 ...	... ..	4 ...	
Stationery and Printing ... ..	... ..	17 ...	... ..	17 ...	... ..	17 ...	... ..	18 ...	
Civil Works	2,94 ...	8,54 ...	2,94 ...	1,24 ...	2,96 ...	7,00 ...	2,94 ...	6,14 ...	
Miscellaneous ... ..	... ..	16 ...	... ..	4 ...	... ..	4 ...	... ..	4 ...	
Special grant ... ..	... ..	... ..	... ..	3,67 ...	... ..	37 ...	... ..	2,85 ...	
Total	7,39 ...	10,74 ...	7,39 ...	17,30 ...	7,57 ...	21,57 ...	7,55 ...	22,55 ...	
Net	12,35 ...	... ..	9,91 ...	... ..	14,00 ...	... ..	15,00 ...	... ..

The Council was then adjourned to Friday, the 12th April, 1901.

CALCUTTA;

F. G. WIGLEY,

The 16th April, 1901.

Secretary to the Bengal Council and
Assistant Secretary to the Govt. of Bengal,
Legislative Department



The Calcutta Gazette.

WEDNESDAY, JUNE 5, 1901.

PART IVA.

Proceedings of the Bengal Legislative Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled under the provisions of the Indian Councils Acts, 1861 and 1892.*

The Council met in the Council Chamber on Friday, the 12th April, 1901.

Present:

The Hon'ble Sir JOHN WOODBURN, K.C.S.I., Lieutenant-Governor of Bengal,
presiding.

The Hon'ble Mr. P. NOLAN.

The Hon'ble Mr. C. E. BUCKLAND, C.I.E.

The Hon'ble Mr. R. B. BUCKLEY.

The Hon'ble Mr. F. A. SLACKE.

The Hon'ble Mr. E. N. BAKER, C.S.I.

The Hon'ble Mr. R. T. GREER.

The Hon'ble Babu TARINI KUMAR GHOSE.

The Hon'ble MAJLVI SYED MAHOMED.

The Hon'ble Mr. J. G. APCAR.

The Hon'ble Dr. ASUTOSH MUKHOPADHYAYA, M.A., D.L., F.R.A.S., F.R.S.E.

The Hon'ble Babu BOIKANTA NATH SEN.

The Hon'ble Babu SURENDRANATH BANERJEE.

The Hon'ble Mr. H. ELWORTHY.

The Hon'ble Mr. G. H. SUTHERLAND.

The Hon'ble Mr. M. S. DAS.

The Hon'ble Mr. A. M. BOSE.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA OF MURSHIDABAD.

QUESTIONS AND ANSWERS.

INDIAN REFRESHMENT ROOMS AT RAILWAY STATIONS.

The Hon'ble BABU SURENDRANATH BANERJEE asked:—

I. (a) Is the Government aware that both the East Indian and the Eastern Bengal Railway authorities put up to auction sale the right of selling Indian refreshments, which yield a fair revenue, paid by the Indian passengers, principally third class passengers?

(b) Is it the case that the aforesaid Railway authorities afford no facilities for the establishment of Indian refreshment rooms at the stations, whereas great facilities are afforded by them to the Managers of European refreshment rooms at the different stations, who are permitted free passes for their servants and goods, and no rents are charged for the rooms occupied by them in the stations?

(c) Is the Government aware that not long ago the East Indian Railway authorities refused the application of some Hindus who had applied to be allowed to establish refreshment rooms for Hindus at the Railway stations, without giving any reasons for such refusal?

(d) Having regard to the fact that the bulk of the revenue from passenger traffic is contributed by Hindu and Muhammadan passengers, will the Government consider the propriety of recommending to the East Indian and the Eastern Bengal Railway authorities to favourably consider the proposal for the establishment of refreshment rooms for the convenience of Hindu and Muhammadan passengers at suitable railway stations, and subject to the same conditions which apply to European refreshment rooms?

The Hon'ble MR. BUCKLEY replied:—

“(a) Yes. It is the custom on the Eastern Bengal Railway. On the East Indian Railway, the auction system has been experimentally introduced at one station only, Bankipur.

“(b) The arrangements in force on the two lines referred to are not identical. On the Eastern Bengal Railway no rents are charged, and free passes for servants and goods are given. On the East Indian Railway neither of these concessions is allowed.

“(c) and (d) The suggestion made will be brought to the notice of the Railway administrations referred to. The Eastern Bengal Railway has at present under consideration a proposal to have refreshment stalls erected at changing stations. The East Indian Railway is now erecting such stalls. It is doubtful if the establishment of refreshment rooms would be so popular with the classes mainly concerned as the existing arrangements, under which the vendors of native refreshments have access to the platforms and sell to passengers in the railway carriages.”

INCOME-TAX OFFICE IN CALCUTTA.

The Hon'ble BABU SURENDRANATH BANERJEE said:—

II. (a) I have the honour to call attention to the charges of corruption made against some persons connected with the Income-Tax Office in Calcutta, and to ask if the Government has made enquiries about them? If so, will the Government be pleased to state the result of such enquiries and also the names of the officers by whom such enquiries were made?

(b) Is it the case that one Kasso Das presented a petition to the Board of Revenue, through his Solicitor, Babu Kali Nath Mitra, c.r.e., in which he repeated the charges of corruption made against the aforesaid persons?

(c) Is it the case that Mr. Oldham, late Member of the Board of Revenue, in a note upon this petition, observed:—“It is understood that the traders concerned have given bribes?”

(d) Is it true that in this case the enquiry was made by the Officiating Collector, against whose Department the charge was made, and that all the enquiry that was made by this Officer consisted of his asking Kasso Das whether he paid any Income-Tax; and whether he had any house in Calcutta, and, on his answering in the negative, he was sent away without further enquiry?

(e) If so, will the Government be pleased to direct a fresh enquiry upon the petition by an independent officer?

The Hon'ble Mr. BAKER replied:—

"A petition was received by Government last year purporting to be signed by one Radha Kissen Muralidhar, in which charges of corruption and blackmail were brought against persons connected with the Income-Tax office, especially against one Ram Narain Jalal, who is said to be an informer.

"The allegations made were fully enquired into by the Officiating Collector of Income-Tax, by the Commissioner of Presidency Division and by the Board, and the whole of the papers have been laid before Government. There is no such person as Radha Kissen Muralidhar, and the Lieutenant-Governor is satisfied that the petition is the outcome of a mere personal intrigue. The reasons which have led the Lieutenant-Governor to this conclusion are set forth in my letter No. 1276 S.R., dated the 19th February, 1901, of which a copy will be laid on the table.

"As regards the petition of Kasso Das, it has been ascertained that the facts are substantially as stated in the question. No specific statements were made in this petition, which in other respects bears a strong resemblance to that of Radha Kissen Muralidhar and the two irregular notices attached to it were more than three years old. The Lieutenant-Governor fully approves of Mr. Oldham's action in refusing to promise immunity to the petitioner and his friends, or to hold a private and *ex parte* enquiry, and considers that no further action is called for."

THE PURI MUNICIPAL BOARD.

The Hon'ble Mr. M. S. DAS asked:—

I.—Will the Government be pleased to furnish a statement showing the amount that the Puri Municipal Board have drawn from the Lodging-house Fund in each of the last five years?

The Hon'ble Mr. BAKER said:—

"I lay on the table the Statement asked for."

URIYAS IN GOVERNMENT SERVICE.

The Hon'ble Mr. M. S. DAS said:—

II. (a) I have the honour to draw the attention of Government to the following Resolution of the Government of Bengal (Appointment Department), dated the 6th March, 1901:—

"Ordered that the petitioners be informed that copies of the petition have been forwarded for consideration to the several departments concerned. The interests of the Uriyas are not overlooked, and it is open to them as to any other class, or section of the community to compete in the public examinations and to take advantage of the opportunities offered by Government for employment."

and I beg to ask whether the several departments concerned have been requested to give sufficient notice by advertisements in the Uriya Gazette or local newspapers, inviting candidates in cases where the appointment goes by selection and not by the result of competitive examination, especially where the head of the Department has his office in Calcutta?

(b) Were any additional hands in the inspecting and clerical staff employed in the Salt Department when that Department was re-transferred to the Bengal Government?

(c) If any additional hands were employed, will the Government be pleased to state the official designation and pay of each employee, as also his race, whether he is a native of Bengal or Orissa?

(For the purpose of this question Bengalees, who are settled residents of Orissa, may be reckoned as residents of Orissa.)

(d) If any additional hands were appointed, who made the appointments?

(e) Were they made by competitive examination or by nomination?

(f) What steps were taken to notify to the people of Orissa these vacancies and to give them opportunities to apply or compete for them?

The Hon'ble MR. BAKER replied:—

"No. The suggestion to advertise was not made. The instructions to the Departments had been communicated to the petitioners.

"As regards the second part of the question, the clerical and subordinate inspecting staff of the Salt Department is appointed by the Commissioner of Excise and Salt, and Government has no information on the subject."

SETTLEMENTS IN ORISSA.

The Hon'ble MR. M. S. DAS said:—

III. (a) The Local Government having assessed an enhanced revenue on the estates of Balurampore, Rugree and Chowsitpara in Orissa, the zamindars of these estates being desirous of petitioning to the Government of India against the decision of the Local Government, applied to the Commissioner of Orissa for copies of the opinions of the following officials who had expressed their opinion on the question of enhancing the revenue of these estates, viz., Mr. E. F. Growse, the Collector of the district; Mr. S. L. Maddox, the Settlement Officer of Orissa; Mr. W. C. Macpherson, the Director of Land Records; Mr. C. R. Marindin, the Commissioner of Orissa, and the Hon'ble Mr. G. Toynbee, of the Board of Revenue; but the Commissioner refused to give the copies, though it was brought to the notice of the Commissioner that the zamindars of these estates intended to place the opinions before the Government of India to enable the Supreme Government to do justice to them. This is substantially the zamindars' statement in their memorial to His Excellency the Viceroy and Governor General in Council.

(b) Will the Government be pleased to direct the Local Officers having the custody of the records of the recent settlements in Orissa to furnish copies of papers which parties may require to bring to the notice of the Local or the Supreme Government their grievances? Is the Government aware of the fact that during and after the settlements of Orissa in 1839-40 every facility was given to obtain copies of the opinions of local officials, and the zamindars of the three estates named above were furnished with copies of the recommendations of the Commissioner and of the Hon'ble Board of Revenue not to enhance the revenue of their estates?

The Hon'ble MR. SLACKE replied:—

"The Government has no information as to the action of the Commissioner of Orissa, but if he refused copies, he only acted in accordance with Rule 22, page 27, of the Board's Records Manual. The Lieutenant-Governor, however, is quite willing, as a special case, to give the zamindars of the three Estates named in the question copy of any of the opinions mentioned for which they may apply."

THE BENGAL FINANCIAL STATEMENT FOR 1901-1902.

The Hon'ble MR. BAKER moved for the discussion of the Bengal Financial Statement for 1901-1902.

The Hon'ble Mr. A. M. Bose said:—"In rising to speak on this occasion, the thought naturally comes to the mind that this is the first discussion that takes place in the Council, not only in a new Century, but also under a new Sovereign. She who so lately reigned not only over the great Empire which owns allegiance to the British Crown, but over the vaster empire of the hearts of her people—she to whom the well-being and prosperity of her subjects was an ever-present thought and the welfare of India a special responsibility—has passed away to her rest, and the Victorian Era has come to its close. I venture to believe that in no part of her world-wide dominions will her memory be cherished with greater fervour, with greater tenderness and greater love than in the hearts of the people of this Country. And I am sure, Sir, I have the sympathy of every Member of this Council in expressing the confident hope that, under the new Sovereign who now rules over this vast Empire—a Sovereign who, I believe, is the first who possesses a personal knowledge of the people of this Country—the claims of India will occupy a place in his mind and heart not less intimate or less sympathetic than that which had obtained in the recent reign.

"I was reading only a short while ago an article written by a distinguished writer, who, in speaking of the House of Lords, described it as the Hall of Indolence. It is possible that some critic, reviewing the Legislative record of this Council during the present Session, may be disposed to indulge in a somewhat similar expression; though I for one think that if happy at times is a nation which has no history, it is well too for a province or a country that at times or on occasions its Legislative Mill is at rest. Be that as it may, even the most hostile of critics, looking at the Financial Statement which has been placed before us, and looking at the prosperity that the figures indicate, and, I may add, they also indicate wise statesmanship and wise administration—will be forced to admit that this Province, under Your Honour's rule, has a record to show which it has no reason to be ashamed of. Three years ago Mr. Risley, in this Council Chamber, in introducing his Budget described it as a 'Calamity Budget.' I congratulate the Hon'ble the Financial Secretary on producing a budget which is a 'Prosperity Budget' in every sense of the word. I venture also to think that, barring absolutely unforeseen circumstances, this tide of prosperity will continue to flow unabated in its course, and it will be the proud privilege of Your Honour's Government in the years still before you to taste the fruits of wise administrative measures, needful reforms, and far-seeing improvements.

"I need not detain the Council by referring to the figures which justify the description of the Budget in the language which I have employed. The figures tell their own eloquent tale—added revenue and an increased balance, and still more, the wise purposes to which it is proposed to devote that balance.

"At page 2 of the Financial Statement reference is made to a number of items, in regard to which an additional allotment of Rs. 21,30,000 is proposed to be devoted. I will not refer to them in detail, but I may be excused, Sir, if for one moment I venture to thank Your Honour's Government for a contribution to that deserving institution, the Deaf and Dumb School, to the building fund of which it is proposed to make a grant. I find that it is not mentioned what the grant to this institution is to be, but I hope Your Honour will be able to double the amount which the Institution is itself able to contribute, and which I am authorised to say is about half a lakh of rupees.

"Then, with regard to the much-needed improvement of the Executive and Judicial Branches of the Provincial Service, allow me to offer my warmest congratulations for this reform, which is under contemplation. I do not know whether I am right in thinking, and I shall be glad to be corrected if I am wrong, that it is proposed to devote a lakh out of the Rs. 1,40,000 for the improvement of the Executive Branch of the service and the remaining Rs. 40,000 for the Judicial. I hope that no rigid limit has as yet been fixed in regard to this distribution, and that it may be possible to consider the respective claims of the two branches of the service, and to divide the grant equally, adding to its amount for the purpose.

"I will now pass on to a few matters arising from the figures in the Financial Statement, regarding which I would respectfully ask for some

information. I have given notice of all these points. I trust satisfactory explanations will, in every case, be forthcoming; and it is only with a view to elicit that explanation that I beg to draw attention to these figures. Turning to page 13 of the Financial Statement, it appears that the revised estimate under the head 'Gross Land Revenue' is put down at a figure which is Rs. 3,00,000 over and above that at which it was sanctioned. I shall be glad to have some information as to the details of that increase and the causes that have led to that increase in the revised estimates. Then, on the same page, I find under the head 'Stamps' Rs. 1,31,70,000 put down as the figure in the budget estimate for the current year. Having regard to the fact that the actual collection in 1899-1900 was Rs. 1,32,00,000 (the estimate was also Rs. 1,32,00,000 and a little more), I venture to hope that there will be a perceptible increase in the revenue under that head. It is true that in the revised estimate the figure put down is Rs. 1,31,70,000, but there an explanation is given. Owing to a temporary cause, that unhappy cause, viz. the death of the Queen, there was a falling off in Court-Fee Stamps owing to partial suspension of work in the last week of January. Having regard to this fact, I think we may reasonably expect a large increase under that head.

"Then, on page 14, under the head 'Assessed Taxes,' sub-head 'Ordinary Collections,' we find in the budget estimate Rs. 44,80,000 put down, as against an estimate of Rs. 45,86,000, revised estimate of Rs. 45,15,000 and actuals of 1899-1900 of Rs. 45,20,000 and odd. Is there any reason to apprehend a steady and continuous decrease under the head 'Ordinary Collections,' which alone, I submit, could justify that low figure of Rs. 44,80,000, because previously the amount stood at a much higher figure? Here, also, I venture to hope that the budget estimate of receipt will be largely exceeded.

"Then in the same page under the head 'Forests,' sub-head 'Timber and other Produce removed by Government Agency,' the budget estimate is Rs. 9,93,000 and odd as against revised estimate of Rs. 10,78,000 and odd, and actuals Rs. 10,35,000 odd. The explanation given is 'Revised, raised with reference to actuals.' Having regard to these figures, unless there is some special explanation, we may reasonably hope for a larger collection than what has been put down there.

"Then, at page 16, under head 21—'Scientific and other Minor Departments' sub-head 'Emigration Fees,' I hope that the Hon'ble the Financial Secretary will kindly explain if there is any special reason for the increase of last year. The revised estimate was put down at Rs. 36,000. What was the reason of that increase, which, it is expected, will not hold good this year?

"Similarly, Sir, at page 17, under head 29—'Major Irrigation Works—Sone Canal,' the budget estimate is put down at Rs. 10,73,000, against a much larger revised estimate of the past year and against a larger actual in the year 1899-1900. Should we not be reasonably justified, unless there is some special cause, in also expecting an increase under that head?

"This remark also applies to head 30—'Minor Irrigation Works and Navigation,' sub-head 'Agricultural Works.' The embankment figures will speak for themselves. The budget estimate is much lower than the revised estimate and sanctioned estimate, and considerably lower than the actuals for 1899-1900.

"Then, Sir, coming to page 19 of the Financial Statement, Expenditure side, I have no doubt that there is an explanation, but some of us would like to be informed as regards the estimate under head 3—'Land Revenue,' sub-head 'Settlement Operations.' The budget estimate of expenditure is Rs. 2,93,000, against the revised estimate of last year of Rs. 1,32,000. The sanctioned estimate of last year was Rs. 1,20,000, and the actuals of the year preceding (1899-1900) of Rs. 1,97,000. Is it proposed to undertake any new or very important or very considerable settlement operations in the year now in progress, as otherwise the expenditure put down there is too large, in face of the three other figures to which I have referred?

"Permit me to turn to page 20, head 'Stamps.' The charge for sale of other general stamps is put down at Rs. 1,55,000, and the explanation given is that this is due to the higher rate of discount allowed on the sale of non-judicial stamps. Possibly the reason for that increase was given in Council

before, but if the Hon'ble the Financial Secretary does not mind, I shall be glad to know why that was found necessary.

"Turning to page 22, under head 19A—'Law and Justice—Courts of Law,' sub-head 'Law Officers, Mufassal Establishment,' the budget estimate is put down at Rs. 1,65,000 odd as against revised estimate of Rs. 1,51,000, sanctioned estimate of Rs. 1,53,000 odd, and actuals of Rs. 1,58,000 odd. In one sense, I am glad to see that increase in the amount paid to the profession, but yet I should like to know if there was any special reason for that increase, because I confess that my interests as a citizen and a tax-payer are much larger than as a member of the profession.

"I will now refer to page 24, heading 'Police.' Some of us would be glad if some information were given as to the four probationers in excess of the present scale, whom it is intended to engage, and also as to the details in regard to the proposed increase of the Police force, and as to how many Head-Constables it is proposed to set aside substituting Sub-Inspectors in their places, which I consider a most desirable reform. Under the same heading (Police) the budget estimate for contingencies is put down at a figure which is very much in excess of the revised estimate of last year, and also the actuals of the year 1899-1900. Some explanation is requested for that, and also for the increase under the head 'Railway Police,' with reference to the Eastern System Railway Police and the Bengal and North-Western and Tirhut State Railway Police.

"Then, Sir, I come to the subject of Education, page 25, No. 22. We find that the revised estimate for last year is Rs. 28,00,000, whilst the sanctioned estimate for the year was Rs. 29,80,000, showing that the sum likely to be spent for education during the year will fall short of the sanctioned grant by no less than a lakh and eighty thousand rupees. And in this connection, I shall be glad to know the reason why, for instance, the amount of grant-in-aid, which was put down at Rs. 6,40,000, was not all spent, as the revised estimate shows only Rs. 6,00,000 on this account. Similarly, under the head Expenditure on Furniture and Apparatus, and as regards the Training School at Kurseong, the sanctioned estimate has not been spent, and I should like to be informed if there are reasons why this could not be done in the course of the year just closed. Then, with regard to the grant of Rs. 1,25,000 for contribution to the Provident Fund proposed for teachers of primary schools, it would be desirable to have some details of the scheme which are altogether omitted in the statement.

"As regards the Shibpur Engineering College, I am glad to find that an increased grant of Rs. 16,000 is proposed, and I should like to know whether some improvement is contemplated in connection with the Agricultural Department of it. No doubt the fact that it is under consideration to remove the Agricultural class will stand in the way of a permanent improvement; but whether pending that, something may not be done considerably to improve the existing state of things in the meanwhile will, I am sure, engage the attention of the Hon'ble Member in charge. Then, Sir, I should like to look at the figures as a whole, and in making some comments on these figures I am sure, Sir, it is hardly necessary for me to say that if it should be my duty to indicate that certain other reforms ought to be taken in hand, or that certain additional grants should be made, I do not for a moment forget all the work in the field of education that has been achieved by Government; and that remark will be understood to apply to any comments that I may make not only with regard to works of education, but also with regard to other works. With regard to education, I will say that no more splendid or beneficent work has been accomplished than what has been done in this direction. And it is because many wants have been removed that new wants have arisen, which cry for consideration at our hands. It is only in that spirit, and not for a moment forgetting what has been done or is being done, that I make these remarks in connection with this subject of education.

"Looking then at the educational figures as a whole, they show, on the face of it, a satisfactory increase. Last year's sanctioned estimate was Rs. 29,80,000. This year's estimate is put down at Rs. 32,04,000, which means a very respectable difference of Rs. 2,24,000. But if we look deeper, this

aspect of affairs would appear to change. In the first place we have to remember one fact. This increase includes the sum of Rs. 72,000, which represents only a transfer entry under the head 'Reformatory Schools,' which is usually shown under Jails, but is now brought under this head. Therefore that Rs. 72,000 has at once to be struck off, leaving Rs. 1,52,000. It has next to be remembered that the educational grant includes this year a special allotment of Rs. 2,25,000, for construction of buildings and for a Provident fund for teachers of primary schools. These two items more than swallow up the apparent increase in the Budget grant. Therefore, what I wish to ask is whether there is in the Budget any increase as regards what may be described as the normal or ordinary expenditure on education in the field; for instance of primary education and of other branches of education. So far as the Financial Statement is concerned, it is not possible so far as I have understood the matter, to find out whether any such increase under these heads occurs. On the contrary, the presumption seems to be strong that it is rather the other way. But, however, we shall know the facts from the Hon'ble Member in charge. And in this connection, let me draw the attention of the Council to the real necessities of the case. Let me take up first Primary education which, and I know the Government will agree with me, is a matter of the highest importance for the national welfare, progress, and prosperity. Has there been any increase this year under that head? The Education Commission of 1882, of which body I had the honour of being an humble member, placed before the Government a strong recommendation, asking that the strenuous efforts of the State should be directed in a still larger measure than heretofore in this matter of Primary Education. But that, it may be said, was a recommendation of 18 years ago. Let me therefore place before the Council the opinion of a most important Committee on Education which the Government appointed last year consisting of many eminent gentlemen and presided over by that distinguished educationist, Mr. Pedler. This Committee, in submitting their second report, dated the 17th April, 1900, say, this:

'In concluding this further Report, the Committee strongly recommend for the favourable consideration of Government a substantial increase in the grant for Primary Education.'

"The passage I am reading occurs at page 50 of the Calcutta Gazette (Supplement) of the 2nd January of the current year. What I would respectfully enquire is whether that increase so strongly recommended, or any approach to it, has been made in this Budget? Then, Sir, amongst the reforms that have been recently introduced is the new scheme for Vernacular Education. Though it may not be possible for me to approve of everything that has been done under Mr. Pedler's administration, it is my duty from my place in this Council gratefully to acknowledge the freshness and vigour that he has introduced into the Department. It is my misfortune not to be able to agree with some of the measures that he has introduced, and I may specially mention in this connection the recent re-constitution of the Central Text Book Committee and the changing of it into an official body; but in spite of any such differences of opinion, on the whole, it is my duty to render my cordial acknowledgment to Your Honour's Government and the Directors of Public Instruction for the substantial improvements that have been introduced. But what I would beg to point out is that these improvements that have been made, if they are to be realities, and not mere make-believes, if there is to be no waste of public money, and they are to lead to substantial results, then the grants will have to be considerably increased. I see in the Financial Statement Rs. 14,000 has been put down for introducing the system of bifurcation of studies in high schools—another recommendation of the Education Commission. But with this addition in English Schools, and the introduction of the Kindergarten and science teaching in Vernacular Schools we shall require, if the work is really to be done satisfactorily, a better class of masters and better equipped schools. We shall need better trained and more intelligent teachers, who will therefore have to be better paid. Therefore the grant for all these purposes will have to be very materially increased. A substantial increase of the allotment on Primary Education is absolutely needed. I will now pass on

from the head of Primary Education to another matter in which Your Honour and Your Honour's Government feel the greatest interest,—I mean the question of Female Education. It is an unfortunate fact that only 1·9 per cent. of girls of school-going age are under instruction. But the worst of it is that it marks an absolute retrogression in the case of female education in this Province. Four years ago, not only were there more institutions for female pupils, but what is a matter of much more importance, there were 7,000 more girls attending schools than there is the case at present. It may be said that there are social difficulties in the way of female education. But these difficulties existed four years ago as they do now. Perhaps they existed then in a greater measure and in a sterner character than at the present time. How then is the fact of the falling off to be accounted for? Here, again, increased grants in the cause of female education are imperative, not only to make progress, but to recover lost ground. As Mr. Pedler observes at page 130 of his latest report, the amount spent last year on female education is much less than the sum spent on this account in the years 1895-96 and 1896-97. After pointing out that the theory of social obstacles in no way explains the retrogression which has occurred during the past few years, and quoting some opinions, he says, and I draw the special attention of the Council to these statements:—

‘There is a good deal of truth in the argument that the grant-in-aid system is not well suited to the present conditions of female education in Bengal, and either a stipendiary system, or a combination of the stipendiary system with the grant-in-aid system, would appear likely to lead to better results’ (page 131 of the report).

.. “And again at page 132 of the same report, he says:—

‘The experience in Bhagalpur would tend to shew that with the establishment of stipendiary girls’ schools, and with more liberal encouragement in the way of prizes, &c., much better progress can certainly be achieved than is the case at present. The experiment suggested by the Deputy Inspector of Schools of Bhagalpur might also be tried.’

“These are weighty remarks, and I would like to know how far in the arrangements for the present year Mr. Pedler’s suggestions have been followed and allotments made for giving effect to them. No doubt the grant-in-aid system is cheaper, but if we really attach any importance to the cause of female education, we must adopt the reforms that are needed to improve the present state of things, and not hesitate to make the necessary addition to the expenditure for female education—an expenditure which actually stood lower last year than it did four years ago. I may add that the experiment recommended by the Deputy Inspector of Bhagalpur is the appointment of a body of Departmental zenana teachers working on the Christian Zenana Mission System, and the appointment of a peripatetic examiner, both of them excellent suggestions. It is not as if the difficulty in regard to the progress of female education is a permanent or insurmountable one. On the other hand, in this very report there is a strong indication afforded of at least some of the methods, by means of which this backward march may be arrested and onward progress secured.

“I will turn now to the subject of higher education. I am one of those who believe that there is absolutely no conflict between the claims of primary education and the claims of higher education, and that in a well-ordered State, one is not more important than the other, just as in a well-ordered building you require not only a good foundation, but also the higher parts of it: the super-structure must be good to make it useful and effective for its purpose. I submit that in this way the Government has a distinct duty in regard to higher education. In this connection it would be ungrateful on our part if we were to forget the measures which Your Honour’s Government have already adopted in furtherance of this cause by the creation of the Research scholarships, and by deputing to England one of our foremost Scientists. But I would point out that very much of what we call high education in this country would not be called by that name in England or on the Continent. I am one of those who believe in the intellectual capacity of our countrymen, and think that under the fostering care of the Government, India may wake again and take her place in the great forward march of intellectual and industrial

progress. I was at Cambridge when the first fruits of the great national revival of Japan were witnessed in England in the early seventies, and the first batch of Japanese students was sent to join that University. I mixed with them and watched them with interest.

"I cannot say that there was anything very striking in their mental capacity, but the Japanese Government took up the work with true earnestness and zeal, and with a determination to succeed. Years later when travelling in Germany I found Japanese students at Heidelberg and elsewhere who were carefully selected by the Japanese Government which met their expenses and given to understand that if they qualified themselves properly, they would be taken up by the hand and meet with every encouragement and be placed in their proper sphere of work on their return to Japan. Students were sent out in different batches to different Universities and Countries in Europe and America chosen for them to follow general or special courses of study, and the result is what the whole civilized world is struck with to-day—the marvellous intellectual awakening of Japan; and in Japan itself various advanced educational movements were being inaugurated and pushed on with zeal. It was to a Japanese Professor, I refer to Professor Kaiasotō that the honour was reserved of discovering the dreaded plague bacillus, and I believe there are Japanese Professors at the University of Chicago. And what Japan had done in the way of educational advance, I firmly believe Indian intellect too can achieve under the fostering care and the generous encouragement of its enlightened Government, and for that fostering, ever-thoughtful and ever-anxious care, I venture most earnestly to appeal to the Government. But it will be urged no doubt that all this would cost money. But it will be money which will repay itself many times over, even looking at the question from the lowest and the most common-place point of view, and what a stimulus it would give to national life, and what an ennobling and vivifying influence it would exert over it! But instead of using any arguments of my own, permit me to place before the Council the opinion of a most eminent man which will, I have no doubt, be considered as entitled to the highest weight.

"Speaking at Birmingham on the 17th of January this year as Chancellor of the new University, which is to be started there. Mr. Chamberlain said—I am reading the extract from the London Daily News of the 18th January, as follow:—

'Here it was that he felt the great inferiority in which the higher education in this country stood in comparison with higher education in Germany and the United States. In Germany the State came forward with really munificent grants. There the State had recognised that money expended for these purposes was the best of all possible national investments. He hoped the time was coming when our people also would recognise this fact, and would see that what would be a mere drop in a bucket, as compared with our vast national expenditure, if devoted to the highest education, would produce results of a most satisfactory and encouraging character. In the United States and in our own Colonies, the State, or the representatives of the State, had also been liberal contributors in grants of land and in other ways'

"The Council will observe that Mr. Chamberlain strongly urges State expenditure on higher education on the ground that it was 'the best of all possible national investments.'

"Now, Sir, if this could be said with regard to England, with its unequalled and magnificent educational endowments from the past, its numerous and splendid institutions, and its unique public spirit and spirit of self-help, how much more could it be said of India with its scarcities and famine, and poverty, with agriculture as the chief occupation of the people?

"Some time ago I was reading a life of Pasteur, in which it was shown that the saving he had effected by his earlier researches in connection with the silk industry had paid back to France many times over, the enormous indemnity which victorious Germany had exacted from her. And who can estimate the value of a Kelvin, or Edison, or a Tesla to a country? Distant as the prospect may seem, who knows that some day some one in this country may not be forthcoming to rival some of these distinguished men. And even though there should never arise Scientists like those eminent men, there may be others who would render distinguished service to the State and prove of the greatest benefit to the highest interests of the country.

"I pass on from this matter to the next question, to which I desire to draw the attention of the Council, that with reference to the water-supply of the villages in the Mufassal. The Hon'ble the Financial Secretary has described this question as a 'hardy annual.' I would like to see this hardy annual watered to death, because there is a terrible amount of suffering in the Mufassal from want of water, and large numbers of the most destitute people have to go on suffering from year to year. I had the honour, Sir, the other day to refer to certain specific instances of this appalling scarcity in the district of Faridpur, as to which Your Honour was pleased to direct an enquiry. Permit me to read just two or three items from a paper from another district, which I have the honour to represent in this Council; I mean the *Charu Mihir* of Mymensingh, and I shall content myself with referring to only one issue of the paper, viz., that received last week. The first is an item which mentions a riot having taken place for the water of a *doba* or small tank which supplied drinking water to as many as 13 or 14 villages. The second item is of more pathetic interest, describing a theft committed by night of a *kulsi* full of water, the thief leaving his own empty *kulsi* behind.

"I do not know whether anybody in this Council has heard before of theft of water. Here the thief came to a house where there was a *kulsi* of water. He came to steal the water, and in taking it away from the more fortunate man's possession, left his own empty vessel behind.

"The third item of local news refers to the prayer to the District Board from a village for the digging of a well or tank and other cases of water scarcity are mentioned in the paper.

"In fact, Sir, it is hardly possible to open any Indian paper at the present time without coming across instances of suffering on the part of multitudes for want of water. It is often not a question of the purity of the water, but a question of its very existence, of the impossibility or extreme difficulty of finding it, that troubles these people in this unhappy time. There can be no doubt that very considerable suffering does exist from this cause in many parts of the Mufassal. Some Hon'ble Member in this Council may ask:—'How did the country then get on before?' Now, Sir, as we know, in earlier times there was a strong religious feeling, a feeling of reverence and piety attached to the digging of tanks, and one of my earliest remembrances is the solemn awe that was inspired in my boyish mind at the ceremony of the consecration of a tank. That religious feeling has to a large extent passed away, and very many of the wealthier classes do not regard the matter in the same light now. Then there has been a diversion of the stream of charity from villages to towns and the metropolis, and even abroad, and in place of the state of things that existed thirty or forty years ago, we have donations given in regard to matters recorded in the papers. And a third reason is that there is a feeling that the Government and District Boards have taken upon themselves responsibility in regard to this matter since the imposition of the Road Cess, and it is their special duty to remedy the grievance. And in the meanwhile numerous old tanks and even many water-courses have silted or dried up.

"It may be urged that it is not enough to point out the difficulty, and it may be asked what are the remedies to be applied. The first remedy I would suggest is that a greater impulse should be given to the action of the District Boards. As we know, a few years ago a Circular order was issued by the Government to all District Boards that as a beginning at least Rs. 5,000 a year should be spent by every District Board for the excavation of tanks, etc. That was the *minimum* that was to be spent for this purpose and only as a *beginning*. Now let us see how this has worked. We find that the total amount spent to improve the sources of water-supply in 1897-98 was Rs. 2,23,544, and even then only by 19 out of 38 District Boards was the *minimum* sum fixed (Rs. 5,000) spent for this purpose. In 1898-99 the total amount spent was Rs. 1,31,541, which shows a considerable drop from Rs. 2,23,544, and then instead of the 19 District Boards which had in the previous year observed the Government order about the *minimum*, only six District Boards spent this *minimum* of Rs. 5,000. Then there was a further fall last year, the total amount spent by District Boards being Rs. 1,16,000,

and only *three* District Boards having spent the minimum of Rs. 5,000. These figures tell their own tale, and indicate a steady downward course which is to be regretted.

"Therefore, Sir, I submit that there is ample cause to urge District Boards to greater activity, and for Government to remind them as to the terms of the Circular and as to what they should do to remove this want.

"In this connection, Sir, I think it would be of importance to this Council if we had not only the figures showing the action of the District Boards in regard to this important matter affecting the poor people in the villages, but also that there should be prepared, as I asked the other day, a register showing the actual sources of water-supply in each village containing 100 houses or more; because it is hardly any use for the purpose I had in view to merely know what is being done without knowing at the same time what has to be done. I have no doubt that it must have been from an oversight that this part of the question I put was not answered. I may gratefully acknowledge that I have met with nothing but courtesy from the Hon'ble the Financial Secretary. I asked for this information, and I believe it is ready, and when it is given we shall see what are the needs and what has been done. In fact the preparation of this register was specially ordered by the Government in the Circular I have already referred to. I would suggest that an abstract of that register may be published in every local paper, so that if there was any inaccuracy, the attention of the people affected might be drawn to the matter so far as the District Board was concerned; but in having that statement, which I hope we shall have by-and-bye, it would be of importance to know the method or agency which has been employed in collecting that information. We shall at any rate understand the problem better, and we shall understand what is wanted, and then I am sure Your Honour's Government will be able to take proper steps to remedy this great grievance of the people in the Mufassal. Then, Sir, turning from the District Boards, I have no doubt that the influence of District Magistrates could do a great deal in the direction of inducing wealthy landlords and zamindars to excavate or re-excavate tanks; and I venture to suggest, in connection with that most laudable attempt that is being made in every part of the country to commemorate the memory of our beloved Queen Victoria, that it would indeed be a desirable thing, in connection with proposed Local Memorials in certain parts of the Province, if tanks would be dug and sources of water-supply provided bearing her honoured name. More stately memorials might record the splendour and many achievements of the Victorian rule; but, in many parts of the Mufassal, this humbler method would be to the villagers,—to every man, woman, and child, a memorial in the concrete of the beneficence of that noble lady whom they adored and revered as their Queen Mother, which would appeal touchingly and lovingly to their hearts. And, wherever practicable, there might be placed on the bank some representation in a durable form of Her Gracious Majesty, who, though dead, would continue to bless by the precious gift of water.

"Then, Sir, there is another practical difficulty in this connection in regard to which some legislative action may be needed, should this be found to be desirable on a full consideration of all the facts. It was only yesterday talking with a senior pleader of the High Court, who told me that he went to his home a short time ago to excavate a tank, but could not do so on account of the difficulty of getting land. There were so many shareholders that it was impossible to get it; and sometimes the rights of female and minor proprietors were also involved. This constitutes a difficulty which has to be faced. I was glad to find in the papers yesterday that Maharaja Surja Kant Acharya of Mymensingh had announced that he would take no *kuzzur* from any tenant who wanted land for excavating a tank. I trust many other landlords will be following this excellent example.

"And finally, if all other means prove inadequate and such a course is found necessary, I would venture to appeal to the Government to help from the Provincial Funds for the purpose of removing this grievous difficulty. Government has before this helped individual municipalities in providing themselves with water-works, and it was generously helping Darjeeling for its roads and works of protection. I hope that the removal of a want so general

and so distressing—cause alike of suffering and of disease and mortality—will not, should the need really exist, be considered outside the scope of help from Government.

“Now, I pass on to the question of Excise Administration—from water to wine. I find from the last report of 1899-1900 that in the year previous we had attained a record revenue under the head ‘Excise’ of Rs. 1,27,52,787. But, Sir, we have managed to beat that record in the year that is just over, for which period the net revenue from Excise was Rs. 1,32,80,000, or about Rs. 5,27,000 in excess of the revenue of last year. I hope, Sir, I shall be pardoned if I venture to say that I am unable to congratulate the Government on that increase, as this increased revenue has been attained, in a great measure at any rate, by means of an increased consumption of exciseable articles and cheapening of their price. It is stated in the Government Resolution that the revenue of the previous year, which was the highest hitherto obtained, has been beaten, and that this clearly reflects the prosperous condition of the people. I do not propose to examine this latter statement at any length, because I have other important matters to deal with. Prosperity is no doubt one of the causes that tend to increase the Excise Revenue, but having taken some interest in the matter, after living amongst the people and having seen for myself many of their lives, their joys, and their sorrows, I am bound to say that it is not the sole cause, but a very minor one, and there are other causes at work, including the well-known and painfully notorious fact, that in numerous cases drink obtains an increasing and fascinating hold, a growingly terrible grip over those who have taken to it. And it is a curious fact that, so far as I am aware, these annual reports do not refer to any of these causes. I will not take up the time of the Council by referring to the testimony of representative people as to the misery, suffering, poverty, and even crime that often follow in the wake of the drink habit. Would it not be as well if some reference be made in the reports to this aspect of the question, of such moment to the true prosperity and well-being of the nation, and some light thrown on it?

“If the increase in the Excise Revenue is indeed to be taken as any criterion or test of the prosperity of the people, then, so far as that criterion goes, it would seem that the people of Bombay are about three times more prosperous than the people of Bengal, and the people of Madras about twice as prosperous as ourselves, because I find in referring to page 2 of the Board’s report that while the average incidence of the Excise Revenue in Bengal was 2 annas 11 pies, in Bombay it was annas 8-8, or about three times that amount, and in Madras annas 6-2, which is more than double. I will make only one other remark on this point. If this growth of Excise Revenue is a mark of prosperity, then I am glad the division I have the honour to represent is not prosperous; for the addition contributed by the Dacca Division to that revenue is less than that of every other Division, barring Chittagong, though, indeed, it used to be said that the tenancy of Eastern Bengal was the most prosperous in Bengal.

“I will now refer to two facts which have struck me in connection with Excise administration—the increase in the consumption and the cheapening of prices. There is an increase during last year in the consumption of distillery spirits of 8½ per cent. As regards outstill, no figures are given, and no doubt the returns made by outstill people are extremely unreliable. But might I venture to make one suggestion in this connection? We know that the Excise Commission, of 1883 did go into the matter of obtaining some return of the amount of liquor from outstillers. They adopted a process involving a little trouble, by which an approximate idea can be had of the quantity turned out from outstillers. If that can be done once, say, in two years, I think it would be a gain, not only to the cause of statistics, but also because right information bearing on this question is of importance to the welfare of the people. Judging by the increased revenue, one would think that the increase in outstill sales must have been greater than in distillery sales, because the increase in the outstill revenue is 8·9 per cent. as against 4·8 in the case of distillery revenue. Be that as it may, we have this undoubted fact that there is increased consumption of distillery spirits, of rum, and of every other exciseable article for which returns are given.

"Then we come to the question of the cheapening of prices of exciseable articles. In fact, that appears on the very face of the figures, because, taking, for instance, the case of distillery spirit, 8·5 is the percentage of increased consumption, while the increase of revenue is only 4·8 per cent. The same remark applies to several other exciseable articles, but to save trouble, I will refer to page 3, paragraph 5 of the Government Resolution, which says: 'The consumption of distillery spirit, country rum, and ganja has risen during the year to a greater extent than the revenue, and the incidence of taxation on these articles was therefore lighter than in 1898-99.'

"I venture to submit for the consideration of the Government whether these facts do not constitute matter for serious enquiry, whether the declared policy of Government—and the only one, I need hardly add, worthy a Christian and enlightened rule such as that under which we are now living—of so conducting its Excise administration as to obtain the maximum of revenue from the minimum of consumption is not being departed from. In this connection I would draw the attention of the Council to one passage in the report of the Excise Commissioner, paragraph 51, on page 15. It is stated there that an enquiry has been ordered to find out why consumption has fallen in the district of Mymensingh. I would beg to ask whether enquiries have been ordered when there has been an increase in the consumption in any district. I hope it has been so, but the Hon'ble the Financial Secretary would be able to give us information on this point. In the paragraph I have referred to, it is further stated that: 'In Faridpur there was a satisfactory increase of Rs. 4,344, due to better settlement of licenses and increased consumption.'

"I beg very respectfully to put it to the Government whether it looks upon it as a satisfactory increase of Excise Revenue when that increase is, in the face of it, and admittedly obtained, partly at any rate, by an increase in the consumption of the article, and if it approves of the policy indicated in the above extract. Is it not contrary to the declared object of the Government to obtain the maximum amount of revenue with the smallest amount of consumption? My heartiest sympathy is with the Government in its campaign against illicit distillation. I am glad to see from the statement in the Board's report that a system of colouring the liquor has been adopted in order to detect smuggling, and that it has been so far successful. I hope other measures will also be adopted, and that the Government will succeed in putting down these attempts. I have referred to the proposed policy of obtaining a maximum of revenue with a minimum of consumption, and shown from the testimony afforded by official figures how that policy has failed to be carried out in actual practice; and I am afraid that under the present system it will perhaps continue to do so. I believe a more hopeful beginning, one fraught with more promise for the future will be made, and the declared and statesmanlike policy of the Government will have a better chance of being carried out, if after all this length of years a trial be given to that modified and limited form of local option which was fully recognized after the most careful consideration by the responsible Government of the day, and which has found a place in the Statute-Book as section 84 of the Excise Act of 1878. If carefully selected Municipalities be given the power of granting, withholding and withdrawing licenses, as expressly contemplated by that section, and subject to every such condition and safeguard as the Government might deem necessary, as also provided by it, I believe a check would be put on the growth of consumption, while the revenue will not suffer. Taxation might be raised, but the humiliating and objectionable expedient of cheapening the price of liquor will, I trust, meet with instant repudiation; and thus without adding to consumption, even revenue considerations need not stand in the way of introducing this reform recommended on every ground of social and moral well-being of the people. The history of section 84 to which I have referred is an interesting one and deserves to be better known than seems to be the case. It was a memorial from the British Indian Association in 1875 that drew the attention of the Government to this matter. That memorial prayed that the power to grant or withdraw licenses for liquor shops should be given to municipalities. It was fully considered by the Select Committee in connection with the Bill for the amendment of the

Abkari Laws, and having regard to the great importance of the matter that Committee thought it necessary to refer it specially to the Local Government before this clause was added. And then in August, 1875, under the authority of the Local Government and on the motion of Mr. Dampier, who was in charge of that Bill, this clause was added, and it became section 15 of the new Amended Act, 11 of 1876 of the Bengal Council; and on the repeal of that Act two years later was preserved and reproduced as section 84 of Act VII of 1878, the present Excise Act. This section allowed the power to grant, withhold or withdraw licenses to liquor shops to be vested in the Calcutta Corporation and other municipalities with safeguards, the most careful and the most stringent that can be imagined or adopted. Under the section, the Local Government may give a municipality this power with the sanction of the Governor General in Council, under such conditions and subject to such rules as the Local Government may impose; and further the Local Government may at any time withdraw and revoke any functions and powers which it has assigned under this section.

"With reference to this matter, I shall place before the Council a short extract from the speech of one whose eminent authority, and weight and sobriety of judgment have been acknowledged in the fullest measure alike by the Government and the people—the late Hon'ble Kristodas Pal, who, in supporting Mr. Dampier, said :—

"He would support the addition proposed by the hon'ble mover of the Bill, as he had taken the initiative in this matter, although the proposed addition did not seem to him to go far enough. It simply vested the Government with discretion to make over the power of licensing liquor shops within the town to the Justices. Still, he accepted it as a concession, because he assured the Council that there was a strong opinion among the public that municipalities were the best authorities to regulate the liquor traffic, inasmuch as they had a direct interest in the consumption of liquor within the limits of the municipalities." (*Vide Calcutta Gazette of the 11th August, 1875, page 943*).

"In other words, the prayer of the British Indian Association was for local option, and in this extremely guarded and restricted form of it, it was granted. But even limited as the section was, five and twenty years have passed since its adoption. And in the meanwhile too various Acts have been passed to improve the position, the representative character and the power of the municipalities; but yet not a single municipality has been vested with the power, or a single experiment tried in that direction. I appeal to the Government that the experiment may now be tried. It may be said that this matter of local option was fully considered years ago—in 1889, and it was then not accepted. The correspondence in connection with this appears in the Gazette of India of March, 1890 at page 495, and I have to thank the Hon'ble the Financial Secretary for referring me to it. May I at once respectfully point out that this correspondence and any expression of the opinion of the then Government of Bengal which it contains are *wholly* irrelevant to the issue I have raised? That correspondence related to what I might describe as local option, pure and simple, local option as it was understood in England, and what in fact was asked for by the British Indian Association and supported in Council by such men as Kristodas Pal and Maharaja Durga Churn Law, and has no bearing upon the question of applying section 84 of the Excise Act, which is a very different matter. If municipalities were entrusted with absolute power in the matter, it might be said that this would injuriously affect the drinking classes who are supposed by the argument to be too poor to be included among rate-payers of a municipality in spite of the very low rating qualification which prevails. In passing, I would say with all possible respect that this objection seems to be a somewhat untenable one, seeing that the law has invested the Municipal Commissioners, who are sought to be condemned on the ground of class tyranny, with absolute power of taxation over the poorest resident and without the right of appeal to any outside authority, that the Commissioners have absolute power to determine how he was to build the hut in which he is to live or whether he is to be permitted to build it at all, whether he may be allowed to dig a tank to get his drinking water or carry on certain trades, or do a great many other things besides. But waiving this ground, and admitting for the sake of argument

the full force of the objection, what can be easier than for the Government to make a provision, when making over licensing power to municipalities, that when a certain number of residents object to the decision of a municipality they would have a right of appeal to the Government whose decision would be final.

"The other objection taken in the correspondence referred to is that the Commissioners would have no interest or sense of responsibility in the matter of the amount to be raised. But this too, if it was thought necessary or desirable to do so, may be provided against by a provision that the municipalities would have a share in the profit or loss of the Excise Revenue, calculated on an average of previous years or any other reasonable basis, or that they would be required to contribute a certain fixed amount determined on such calculation, or in some other way. At any rate, I think the time has come when a beginning may be made with some selected municipalities which might be vested with powers under section 84; and if, after a proper trial, it is found that the system does not work satisfactorily even with these official safeguards, the Government can, at any time, withdraw and revoke the power.

"There is one other consideration in this connection which I should like to place before the Council. At present to cope with the evils of illicit distillation, the paid informer has to be constantly employed, and it is necessary, as far as possible, to screen him and keep him out of view, because once his name transpires, there may be difficulty in utilising him. Necessity may justify the employment of that not too amiable or estimable gentleman, but I submit that it would be an advantage to the public interests on many grounds into which I need not enter, that the need for the employment of such undesirable people should be minimised. By trusting a selected Municipality, which had the interests of the whole of the rate-payers to secure, illicit distillation would be more effectively guarded against, and instead of these unreliable paid informers, you would have an unpaid but interested and more reliable voluntary agency doing the work.

"I shall pass over one or two other matters I had thought of referring to, which will no doubt be dealt with by other Hon'ble Members who are going to follow me. I wish to thank the Government sincerely for the grant of Rs. 4,80,000 to the District Boards which is proposed in the Budget. I trust they will now be able to take up more energetically and with greater determination the work of removing the water scarcity to which I have already referred. As regards the question of the Government share of the joint collection charges for the Road and the Public Works Cesses, I believe there are grounds on which, should the Government be pleased to take a liberal view, it might be asked to contribute half of those charges. But even on the accepted basis of its contributing a third share of the actual cost, Government has paid in the past about 7 lakhs of rupees less than fell to its share as appeared from figures given on a previous occasion. I appeal to the Government that the claims of the Boards to the balance may be taken into favourable consideration. Boards are the auxiliaries of the Government in many important works, and I would remind the Council of the remark made in the last Resolution of the Government on the working of the District Boards that one of the reasons which arrested their progress was that their sources of income, except to a very limited extent, are 'fixed and inelastic,' while the demands made upon them are 'varied and constantly expanding.'

"I will conclude with one observation. I have heard it said in this Hall that the remarks which Members of the Council make here in connection with the Financial Statement are ineffective and infructuous, and that they cannot alter a single figure in the Budget, or a single line of the policy of Government. In that criticism, Sir, I do not agree, though I confess that there are not perhaps wanting times when discouragement comes to the mind; because I believe that if there is anything of reason in what they said, anything that comes from the heart and conscience, or is inspired by no motive less worthy than that of seeking, according to their light, to help the Government in the difficult work of administration and to advance the interests and voice the wants of the people of this country in my political creed, Sir, I do not regard these as two objects, but as one—then either now or it might perhaps be

hereafter, our words will find some echo and meet with some response in the minds and judgments of those in whose hands lay rule and authority and power—those on whose shoulders Providence has assigned the terrible responsibility of shaping, for good or for evil, the destinies of millions of their fellowmen."

The Hon'ble MR. M. S. DAS said:—"I fully endorse the remarks made by the Hon'ble Member who preceded me, when he congratulated the Government on the prosperity aspect of the Financial Statement now before us. In the concluding words of his speech he referred to the grant to the District Boards, and remarked that speeches made by Hon'ble Members in this Council were viewed not at all favourably by certain Members of this Council or by Government. If I ever believed that it was useless to speak out one's mind here, I should be the last person to be on my legs. Now, with reference to the grant which the present Budget provides to District Boards, I may say that times without number, both in this Council and in newspaper articles outside this room, the Government has been charged with having diverted the Road Cess Funds to purposes other than legitimate. The Despatch of the Duke of Argyll, who was Secretary of State for India at the time, was quoted—Sir George Campbell's exposition of that Despatch was also quoted—to show how the Road Cess Funds do what were the duties of Provincial and Imperial Funds. Some of those who raised this outcry went to the length of saying that this diversion of the Road Cess amounted to misappropriation on the part of the Government. I have no doubt that this was entirely a wrong expression, because 'misappropriation' is a word which is found in the Penal Code. But though we very often pointed out to Government that the Road Cess and District Board Funds had been used for purposes other than legitimate year after year, Government took no notice of this complaint. In the present Budget, however, we have at last a liberal grant made by Government to the District Boards. I congratulate the Government for having made this liberal grant, and I should say we ought also to congratulate ourselves upon having a Government which is ready to lend a willing ear to just representations, and also upon having a Financial Secretary who is willing to consider the just needs of the District Boards. This grant is not only a liberal grant, but it is something more. It is a happy recognition of the principles of a friendly relation between the District Boards and the Government. There is no misappropriation now. The charge of misappropriation disappears, and we have instead the Provincial Funds and District Board Funds joining hands as friends willing to help each other. I hope this initial recognition of the mutual help principle will be more and more emphasised in after years.

"Now, Sir, I have a word which I should especially address to the Hon'ble Member in charge of the finances. I hope in distributing this liberal grant among the several District Boards, he will kindly bear in mind the special claims of the District Boards of Orissa, which, I think, have every right to a fairly good share. Orissa has just gone through a revenue settlement, which has brought in, I think, a net increase of about 13 lakhs of rupees to the Government revenue. This increase in the Government revenue means a net loss of 13 lakhs of income to the people of Orissa. I think, Sir, it is the duty of a Government—and especially of a Government presided over by a kind and sympathetic Statesman such as we have—to help the people to recover from the effects of this Revenue settlement. Fortunately for us the East Coast Railway has just been opened up, but we are very badly in need of feeder roads. I should say that the construction of feeder roads comes within the first legitimate duties of District Boards and within the legitimate purposes of the District Board Funds. The Secretary of State's Despatch, which has often been quoted, contains these words: 'It is, above all things, requisite that the benefits to be derived from the rates should be brought home to their doors; that these benefits should be palpably direct and immediate.' Feeder roads fulfil these conditions to the letter. They bring to the door of the cultivator the benefits of the railway; they open up facilities for finding a better market, and he gets at once better value for his agricultural produce.

There is no mistaking these benefits. So the construction of feeder roads is the real and legitimate province of District Board Funds, and I hope that the Hon'ble the Financial Secretary will see his way to give due consideration to the needs of Orissa. I believe I have made out a fairly strong case, and I hope my appeal will meet with a sympathetic response from him.

"The Hon'ble Member on my right, who has just sat down, wished to know why a higher amount has been put down in the present Budget by way of discount to stamp vendors? I am not at all anxious to know the reason; for it has been my experience always that the Hon'ble the Financial Secretary holds the purse strings very tight, and it is not at all likely that the outside public will get a pice out of him unless there is absolute necessity proved to the satisfaction of the Government. I do not grudge the stamp vendors the more liberal rate of discount they are to get, but I would beg to suggest that these stamp vendors should be saddled with additional responsibility in the matter of the returns which they have to submit about the sold stamps. The practice in times gone by was very different from what it is now. In former times stamp vendors were required to mention in these returns the names of each person to whom a stamp was sold, but that practice has been dropped. Who is responsible for the alteration of the practice I do not know, but with all due deference to him, I must say that his experience,—if he has any experience at all—of Courts of Justice must have been very limited. Of course this is not the place to go in to the subject as to what sort of returns they should submit, but I believe that it is not impossible, after consulting people who have experience in this matter, to devise a form of return which will effectively minimise, if not entirely suppress, the fraudulent practice which exists now in the sale of stamps. As things are at present, a stamp vendor may keep back some stamps and show in the returns that they were sold. These stamps are utilised afterwards when dishonest people wish to manufacture fraudulent documents; for, as the name of the purchaser is not mentioned in the return, parties have every facility to ante-date the fraudulent documents engrossed on them. If it is the wish of the Government to find out the most effective check against this particular kind of fraud, it can be done by consulting Judicial Officers who preside over Small Cause Courts in the Mufussal, where most of these fraudulent unregistered documents are produced, and the Pleaders who practise in those Courts.

"I have to make one suggestion with regard to copies of English records. The copyists who are employed in the Mufussal Courts and who supply copies of English records to parties generally come from a class who have a very limited knowledge of English. They are paid by piece-work, and in their eagerness to increase their income and earn a little more, they do their work in a slipshod and irresponsible manner. No doubt these copies are compared before they are given to the suitors; but this comparing does not at all improve matters, because the persons who are entrusted with the comparing of the records are no better than the copyists themselves. A copyist has sometimes to copy a document of which he cannot read several words in the original. When he does not know the word he tries to copy the word by making certain curves, strokes and lines just as he sees them before him in the original document; such a document, whatever may be its interest to one interested in the deciphering of hieroglyphics, is certainly of no use to the suitor who pays for it.

"In this connection I beg to make a suggestion, and that is, to introduce typewriting machines into our Courts of Law to meet and remedy the present state of things. This would attract a better class of men—better educated men—and the result would be better and more satisfactory to those who pay for these copies, because it is impossible with the typewriter to imitate the curves, strokes and lines of words one cannot read. The difficulty is only with regard to the furnishing of these machines, and as to who should pay for them. My answer is that it should be the business of the copyists themselves to find these machines. I suppose that there would be many men who would consider it well worth their while to invest Rs. 200 or Rs. 300 in a typewriter in order to get an income of from Rs. 40 to 50 a month; for we know that men deposit Rs. 500 by way of security to get posts as bill-collecting sircars on salaries of from Rs. 20 to Rs. 25 a month. In whatever way this difficulty is met, it is but justice to the suitors that they

should have good copies which are useful. The Copyists' Department gives a revenue to Government, and I think it is the duty of Government to see that the man who pays for a copy gets good value for his money.

"There is another matter to which I wish to refer. It is very grieving to find, that while the Budget before us makes provision for increase of pay to several classes of officers employed under Government in judicial work, from High Court Judges to Subordinate Judicial Officers, there is no reference whatever made to one class of officers, most of whom are employed now as District Judges. The class of officers I am alluding to are our Statutory Civil Servants, who are paid now under the two-thirds' rule. The Government of India appointed the Public Service Commission, who were directed to conduct a careful enquiry into the grievances, disabilities and disadvantages of the native members of the Statutory Civil Service. The finding of that Commission was that the difference of pay which existed had caused dissatisfaction, and they pronounced the distinction to be unjustifiable and invidious and not based upon any clear principle. The adjustment of their pay on the two-thirds' rule was pronounced by the Commission to be quite arbitrary and indefensible on general grounds. These expressions of the Commission are to be found in pages 65 to 86 of their report. It requires no prophet to see or to know that the Statutory Service was abolished soon after the Public Service Commission sent in their report. But though the system was abolished, it left in the hands of Government those who had been made Statutory Civilians before the system was abolished. The Statute which created the service has no provision in it to justify the two-thirds' rule of pay. The rules framed by the Government of India on the subject under the Statute contained no provision whatever which justifies this distinction in their pay. I know there is an executive order in the Civil Service Regulations, and to that order this two-thirds' rule is to be traced; but even that rule or executive order, which I understand is a Code for the guidance of the Accounts Department, has not been held invariable, for the present Maharaja of Darbhanga was allowed full pay. The remarks made by the Public Service Commission pronouncing the thing as indefensible on general grounds and stigmatising it as invidious and arbitrary, no doubt left the Government in an embarrassed position, and Government, therefore, decided to abolish the service altogether. It is perhaps too late in the day to discuss whether that difficulty could not have been got over by some other means; if it was necessary to get rid of something which had been pronounced invidious and indefensible by the Public Service Commission whether it would not have been infinitely better to remove the thing condemned and to abolish only the two-thirds' rule, and not the Statutory Civil Service? It was only the distinction of pay that the Commission had characterised as invidious and indefensible, and their remarks did not apply to the Service itself. Some of these Statutory Civil Servants have been removed by the cruel hand of death, and others have been removed by the merciful pension rules. I suppose there are very few of them left in the hands of Government, and it would not certainly cost the Government very much to allow the few who are left the full pay of the positions they hold. It is no doubt wise and worthy of the British Government to abolish a system which has been pronounced indefensible and invidious on general grounds, but I do not think it is wise to leave living monuments to testify to its existence in the past. I suppose the small expenditure that the Government might have to incur in allowing the remaining Statutory Civil Servants their full pay might be regarded as an expenditure on whitewash to obliterate a system which has been pronounced by the Public Service Commission as indefensible. In the Budget there is no special provision with regard to this two-thirds' rule. It has always been the practice to budget the full pay of these officers, and afterwards the difference between that and the two-thirds is shown as a saving effected. In the present Budget the same course has no doubt been followed, so that there is provision in the Budget already for the full pay of these Statutory Civilians, and from the fact that there is no reference to this class of Government servants, though there is reference to other classes of Judicial Officers, I was inclined to think that this was due simply to an oversight. I hope that it is an oversight, and that it is not intended this year to pay the members of the Statutory Civil Service at the two-thirds' rate.

"I do not think I have many more remarks to offer, but I feel that I should not resume my seat without thanking the Government for the sympathetic manner in which they have done their duty, though that duty was a most difficult one, with regard to checking the Plague. I have had the honour of knowing personally what deep interest the Statesman presiding over the Government takes in this matter, and how sympathetically he has been collecting facts and figures and anxiously devising means to check the plague without in any way encroaching upon the existing customs or doing anything which will show that the Government was not in full sympathy with the people."

The Hon'ble MAULVI SYED MAHOMED said:—"I beg to congratulate Your Honour's Government on the financial prosperity in Bengal, which has enabled the Government to apply the surplus to some of the long-defined necessary projects. The Members of the Provincial Civil Service are especially grateful to Government for the provision made for improving their position and prospects. They would have been more pleased could the Government find its way to a larger grant for redressing the grievances of such a large and deserving body of public servants. I, however, venture to express an earnest hope on their behalf that the Government of India will be pleased to sanction the scheme of the Hon'ble Mr. Baker. On behalf of the Muhammadan community, I respectfully invite the attention of Government to the urgency of providing additional space for Muhammadan cemeteries. Probably it is not generally known that the extension of public Muhammadan burial-ground in Calcutta has been a standing need for many years. Then, again, the reservation of a plot for burying mutilated dead bodies from hospitals in the new Muhammadan burial-ground known as *Gori Ghariban*, is most disagreeable to the Muhammadans."

The Hon'ble BABU BOIKANTA NATH SEN said:—"Bearing in mind that economy is the guiding star of the Hon'ble the Financial Secretary in the preparation of the Budget, I shall try to observe economy in respect of time for the discussion of the Financial Statement, and, therefore, I shall endeavour to take up as little time as I can, and will try to hurry on, only noticing the points I have to raise in connection with the Budget. We are quite in harmony with regard to the prosperity shown in the Budget, and I have also, with my hon'ble friends, to congratulate the Government and the Hon'ble the Financial Secretary for this Prosperity Budget. It has been observed by critics outside this Chamber that—'What is the use of discussing over the Budget. The Budget has been very carefully made by the Government and the Hon'ble Member on whom rests the financial responsibility, and has been passed by the Government of India, and it therefore needs no discussion. So what is the use of discussing it?' But, Sir, I understand from the invitation of the Hon'ble the Financial Secretary, and from certain remarks which fell from Your Honour on a previous occasion when the discussion on the Budget took place, that you recognised the importance of the remarks that were made by us, and that they did not go unnoticed or were not appreciated. Emboldened by these observations from Your Honour and the invitation of the Hon'ble the Financial Secretary, I conclude that it is not the wish or expectation of the Government that the discussion should be simply eulogistic, but that it should also be critical. With these remarks I proceed to notice some of the items on the receipt side as well as on the expenditure side of the Budget. In noticing the different items on the receipt side, I do not in the least intend to suggest that wherever there is an increase on the estimated revenue that the Government should not do so. What I mean to say is, that while revenue is sought to be developed, it should be developed with proper precautions. And in doing so there are certain dangerous lines which should be avoided. With regard to Land Revenue, the Provincial Rates and Excise, I beg to observe that the increase which is expected from settlements in respect of Land Revenue and the increase which is expected from Provincial Rates by re-valuation verge upon dangerous ground, and they offer inducements to encourage the officers concerned to make up the figure. Practical men who live in the Mufassal know about this, and they know what hardship arises from over-valuation. Objections are taken, no

doubt, but they are generally discarded. I am glad to say that I have not a similar remark to make about the Assessed Taxes.

"With regard to Excise, my hon'ble and learned friend to my left has gone over the ground, and I will only offer one or two more remarks with regard to the consumption and cheapening of prices. From the Resolution of Government on the report of the Excise Administration in the Lower Provinces for 1899-1900, which has been quoted by my hon'ble and learned friend, it appears that the consumption of distillery spirits is 44,000 and odd gallons in excess of the previous year, and in which there was also an increase, the difference in the percentage being 8.5. It is true that with regard to outstills, the increase is not given, but it must be presumed from the increase in the revenue that there must have been a larger consumption. With regard to cheapening, my hon'ble friend has told all I wished to say, except one point, namely, that in certain districts the still-head duty has been reduced from Rs. 5 and Rs. 3-12 to Rs. 4 and Rs. 3, respectively. This reduction of still-head duty has apparently been made on the supposition that the higher rate stimulates illicit practices, but the correctness of this we fail to see. If there are illicit practices or illicit outstills going on, it is not on account of the higher rate. In the Mufassil, Sir, there is very little systematic illicit distillation going on, but what there is only takes place during *pujas* in some places and during marriages, and this illicit distillation is not on account of a higher still-head duty. With regard to the Excise Revenue, I will only submit one more remark, namely, that I fully endorse what has fallen from my hon'ble and learned friend on my left that local option ought to be introduced in some selected areas as an experiment.

"I will now take up the subject of revenue from Assessed Taxes. I do not, like my hon'ble friend on my left, wish to enquire why a reduced amount has been shown? I am confining myself simply to the ordinary collections. The ordinary collections shown in the Budget are Rs. 44,80,000, and against that is the remark that the actuals of ten months in 1900-1901 show a lower tendency. In my humble opinion the Government has acted wisely in having adopted this figure. The explanation given is, no doubt, a good one, but it may be explained in another way. I would explain it in this way. In the light of the working of the Income-Tax Act in a few districts in the past two years, the Government has now become convinced that there was over-assessment and wrong assessment, and in consequence of that, assessed amounts could not be realised, and they had to be remitted in consideration of their being first considered doubtful. Then coercive measures were taken and warrants issued, but the amounts could not be realised. These facts have forced themselves upon Government in the last two years. I am referring to the Resolution on the Report of the Board of Revenue on the financial results of the administration of the Income-Tax Department for 1899-1900. From this it would appear that in the past two years the net revenue was increased a little more than 5 per cent., and in the fourth paragraph of this Resolution, it is stated that the outstanding balance, including penalties, costs and arrears, was Rs. 2,06,635, against Rs. 1,81,239 in the year 1898-99. Of this balance, Rs. 48,751 are reported to be good and under realisation, Rs. 1,04,755 doubtful, and Rs. 53,129 bad and irrecoverable. Now in 1897-98 there were 5,753 distress warrants issued, and in 1898-99 there were 5,725. This clearly goes to show that there was an increase in the Assessed Taxes. It has been found that these amounts could not be realised, and therefore there has been a lower tendency; and so far the Hon'ble the Financial Secretary is quite correct, but it is, as we understand in consequence of over-assessment and wrong-assessment. Therefore, we have to congratulate the Government on this reduced future figure. In this connection, I would ask whether it may not be considered that the time has arrived for raising the taxable minimum from Rs. 500 to Rs. 1,000? In the majority of these cases in which coercive measures have to be taken, the persons against whom these steps have to be taken are people whose income is between Rs. 500 and Rs. 1,000. The revenue that will be lost by exempting this class will, I submit, be more than compensated by the contentment of the people, and the department will be saved all the worry that these coercive measures entail on the Officers of Government.

"I now come to the expenditure side, and propose first to deal with the question of improving the Judicial and Executive Branches of the Provincial Service. I have to express the thanks of the members of both branches of the Provincial Service, and of the general public, as well as of my humble self, who made certain enquiries some time ago in this Council for the improvement of the status of these officers. I find myself in this delicate position that, while thanking the Government for what it has done, still, for the sake of justice, I feel it my duty to submit that a larger amount ought to have been sanctioned. There are several other heads to which I shall have occasion to refer hereafter, from which certain amounts might have been taken and appropriated for this purpose. In connection with this matter, Sir, I do not think it would be an improper diversion if I were to refer to the questions put by me in July last, and which were repeated by my friend to my right the other day, and he was told that the questions were argumentative."

"We do not know what scheme has been prepared with reference to this, and the question of the separation of the Judicial and Executive functions is also under the consideration of the Government. We do not know whether that has been taken into consideration. We are in the dark, and not being in full possession of the facts, it is impossible for us to offer any remarks or observations. What I beg to enquire is that, now that the Government has decided on a fair consideration of their claims believing that a case has been made out, what is the Government going to do? We thankfully accept what the Government proposes to do, but feel bound to point out that the amount is not sufficient. I find that the division of the amount between the two branches does not commend itself to me for its fairness or adequacy. Out of Rs. 1,40,000, only Rs. 40,000 goes for the improvement of the Munsifs and Subordinate Judges, and Rs. 1,00,000 goes for the improvement of the other branch. Rightly or wrongly, Sir, we are under the impression that the Executive Branch is the more favoured, being under the direct control of the Government. If half and half had been given, there would have been the principle of equality, but as it is, I fail to see how Rs. 40,000 has been considered sufficient for improving the status of Munsifs and Subordinate Judges. I suppose that Rs. 40,000 includes establishment. I had occasion to remark on the last occasion, and do so again, that these Munsifs in the mufassal are not sufficiently manned; they have got four clerks for the ordinary 3,000 suits and 3,000 execution cases, and for four clerks or muharrirs to write out the records of 6,000 cases is practically impossible, and they have to work at home. At least one more clerk ought to be given to these officers. If this is considered necessary by Your Honour's Government, a larger amount would be required than Rs. 40,000. And we do not know how this sum of Rs. 40,000 is intended to be appropriated. I venture to submit that the amount is not sufficient for the two branches, and the distribution is also, in my humble opinion, not fair."

"Next I take up the amount which has been kept separate for distribution to District Boards. I have no doubt that the District Boards will feel grateful for the help Government is going to give, and it is very gratifying to find that Government is not going to hoard up its money but is prepared to spend it for the better administration of the Province, and the Boards, which form a subordinate branch of the administration, will be helped to do this. The Government has come to see that the District Boards have not got sufficient funds at their disposal to meet their demands, which are growing day by day, while their funds are inelastic; and Government has generously and spontaneously come forward to help them, to enable them to do many things that they have been unable to do unaided. It has been recently remarked in some of the newspapers that the Government has misappropriated a large sum from the Road Cess by not making sufficient allowance for the collection of the Public Works Cess. I deprecate such remarks, at a time while Government is going to place certain sums of money in the hands of District Boards, and from the way Government is going to place this money in their hands this year, I think that it will not be for the last time and that this generosity will be repeated. I hope that the Government has been convinced that District Boards are not in a position to carry out the works placed in their

hands, and that so long as it can afford Government will go on from year to year placing certain funds at the disposal of the District Boards. I hope this is not the first and last time that this is going to be done. In view of the present situation I deprecate the idea of making any reflection upon the Government based upon misappropriation, or its liability to refund what is said to have been misappropriated. We ought to receive the grant with thankfulness, and hope that the Government will continue to shew its liberality to District Boards in future.

"In connection with this matter I humbly beg to make one suggestion. We find that in this year's Budget under the head 'Registration' a sum of Rs. 7,70,000 is shown on the receipt side, and Rs. 4,57,000 appears on the expenditure side: so that there is a net profit of Rs. 3,13,000. We have been told by the Hon'ble the Financial Secretary the other day in placing the budget before the Council that the Government, under existing circumstances, having regard to the system of Provincial Finance, is not in a position to make a permanent assignment or transfer of revenue to anybody, and that it is not possible to make such a transfer, but I humbly suggest that Your Honour will be pleased to find some means to make over the Registration Department to the District Boards, and, if it be not possible, to continue to make over to the District Boards the amounts which are derived from registration of deeds as net profit. Their funds at present are inelastic, but if this Department be made over to them, they will have an elastic fund at their disposal. My countrymen do not object so much to indirect taxation as they dislike direct taxation. Where the rules at present permit, fees in connection with the Registration operation might be increased by them in case of necessity. I would, therefore, humbly suggest that for the future the Government may, if the General Funds permit, make over a sufficient amount to the District Boards, or at least the profit derived through the Registration Department may be made over to them.

"From the Statement before us I do not find out how this amount set apart for District Boards will be distributed among the different District Boards, whether the 10 per cent. of the Public Works Cess will be taken as a criterion and the distribution made according to that to all the District Boards, or whether the amount will be placed in the hands of the Divisional Commissioner and he be left to distribute it according to the necessity of each District Board? This does not appear from the Budget, and no doubt the Hon'ble the Financial Secretary will enlighten us on that point. I think it will be better if the principle of distribution be settled by the Government than leave the matter to the sweet will of the Divisional Commissioners.

"Now I come to the head 'Jails.' I find that, as compared with last year, the Budget shows a net profit of Rs. 3,00,000 from Jails. I submit that it is by means of prison labour that the Government was enabled to show this result, and that it would be a gracious act as well as an act of charity if the Government were to allow prisoners a more generous diet and give them a little fish, especially to Bengalis who consider it a necessary item of food. This will not cost very much and could easily be spared out of the profits made out of Jails.

"I have to submit a few remarks under the head 'Police.' The Budget does not show sufficient attempt to give effect to the recommendations of the Police Commission. These recommendations were, no doubt, not accepted in their entirety by the then Lieutenant-Governor, but I hope Your Honour will be able to re-consider the matter and take into consideration the claims of persons entitled to be appointed Inspectors. If Police reform is to be made, and if this reform is to be carried out, the recommendations of the Police Commission ought to be accepted in connection with the appointment of Inspectors.

"With regard to 'Civil Works' in charge of the Public Works Department, I find that in this year's Budget Rs. 2,50,000 has been provided for the completion of the Presidency General Hospital. With regard to Darjeeling, there is a provision of Rs. 2,50,000, an addition to the provision made last year of Rs. 4,00,000. I have been informed that a larger amount has been spent. With regard to the General Hospital two lakhs were provided last year, so that altogether Rs. 4,50,000 are to be given for this institution; for

Darjeeling about 10 lakhs, and for the acquisition of land for the extension of the High Court, $2\frac{1}{2}$ lakhs. I think a little economy might have been practised in respect of these items, and the money saved might have been provided for the purpose of improving the status of the two branches of the Provincial Service or to give to the District Boards. I venture to hope that something like this may be done when the estimates are revised hereafter.

"In connection with Civil Works, I find provision has been made for Munsifs' residence, and I think certain provisions will also have to be made on account of the structural arrangements for giving effect to the recent Government Circular prohibiting the admission of outsiders to public offices. I hope it will not be a diversion if I say a word or two here with regard to the exclusion of the public from public offices. The idea of the Government is to minimise corruption, but practically it will make the offices more corrupt. Where formerly one rupee was spent for improper purposes, two rupees will in future have to be spent. Information which people can get by getting access into these offices will now to a certain extent be stopped, as these offices become inaccessible, and the person who has access and can get information will get more money than if access had been given to the public. This will practically be the result. With regard to buildings occupied by Munsifs, larger buildings will have to be constructed, if strict observance of the Government Circular be insisted upon.

"I rejoice to find a grant of Rs. 1,21,000 for burial-grounds for Christians and Muhammadans, and I would have rejoiced still more if the Government had also made some provision for burning-ghats for Hindus. Your Honour knows—and every one in this Council knows—that the Hindus remove their dead to the sacred Ganges to be burned there. Riparian Municipalities find the greatest difficulty in the cremation of bodies, especially in the rainy season. Only one or two have been able to construct burning-ghats at their own expense, and therefore it would have been a matter for rejoicing if Government had taken in hand the construction of burning-ghats or granted money to these municipalities for this purpose.

"The only other matter on which I desire to offer a few remarks is with reference to the Nadia Rivers. The Government have evidently been pleased to take, under the advice of its responsible officers, an optimistic view of the condition of the river. That the river is becoming worse and worse day by day cannot be doubted. The reports of the Executive Engineer, Nadia Local Rivers Division, will bear me out in that shoals are increasing in number, and I need not refer to the disastrous effect which this condition of the river will bring about hereafter. I will content myself by making a very modest and humble suggestion. Last year the questions I put, I indulged in the hope that some steps might be taken for the improvement of the river. Dredging was spoken of to meet the case, but, under existing circumstances, it is evident that work by a dredger cannot soon be expected. I have therefore to suggest that the *durma* mats and bamboos used at present for the maintenance of the channel ought to be discarded: with the march of progress in the 20th century better appliances ought to be substituted. I mean that these mats should be displaced and corrugated-iron sheets used in their stead. These mats do their work for seven days only. I have tried to ascertain these facts from men actually engaged in the work. I have gathered these facts from them, and I have come to the conclusion that these mats remain intact for about two days, then holes come, and the water goes through, consequently there is a diminution in the current: then the mats commence to rot and the water is also polluted. Now, Sir, I think that if *sāl* posts be used instead of bamboos, which have risen in price, and corrugated-iron sheets in place of mats, in the long run there will be no excess of expenditure; for it is hoped that these corrugated-iron sheets will last for at least ten years, so that what has to be spent in ten years in mats and bamboos will more than suffice for corrugated-iron sheets and *sāl* posts. In making this suggestion I am not drawing upon my imagination or upon pure speculation, but I stand on experience. In the Gandak the experiment has actually been made, and there, where the depth used to be only two feet, it is now never less than five feet throughout the year. I therefore venture to suggest that this experiment be made. If the Government

are pleased to consider that this is too expensive a matter, which I humbly beg to submit it is not, in view of the fact that it will last for ten years, I humbly ask that a trial be given to this plan. As these shoals extend along a length about a hundred miles, experiment might be made at one shoal, viz., the one just at the entrance and if found successful, it might be extended to other shoals.

"I do not think I would be justified in taking up any more time of the Council, and I will therefore resume my seat after repeating my thanks to the Council and to the Government for the allotments made to the District Boards and for the improvement of the condition of the members of the Provincial Service, and for the liberal spirit which the Government has shown in making provisions for objects of charity and public utility."

The Hon'ble THE PRESIDENT said:—"The Council will now adjourn for half-an-hour".

The Hon'ble MR. ELWORTHY said:—"The Budget, which the Hon'ble Mr. Baker has laid before us, is one on which we may offer him our congratulations. The expenditure has barely exceeded the estimate, and the revenue is better by 13 lakhs of rupees. A large surplus is therefore available for special provisions for various useful and desirable purposes, provided that nothing unforeseen occurs to divert its application.

"We may be thankful that Bengal has been so prosperous, while some of the other Provinces have suffered so severely. Bengal has escaped the famine, which has afflicted other parts of India, and has shown much practical sympathy with the sufferers. I believe that I am correct in saying that in Bengal there is prosperity everywhere, and that the population has largely increased since the last Census. We are told in the opening page of the Budget that the condition of the people has improved, and reasons are given in support of the fact. It must be satisfactory to you, Sir, that, during your term as Lieutenant-Governor, the Province under your rule has thriven so well.

"With reference to the Budget itself, I, as a Commercial Member, representing one section of the community, feel that I am a layman with regard to the various branches of the administration, and I consider that it would be ambitious on my part to traverse ground of which I have had no experience and on which I cannot offer an authoritative opinion. But, Sir, there are some subjects on which I should like to make a few remarks, which I offer for your consideration.

"You have a surplus, which it is proposed to appropriate in the manner already explained to the Council by the Hon'ble the Financial Secretary. The objects for which these grants are made are undoubtedly laudable, some of them have been shelved in past years, waiting for the opportunity now offered. The expenditure on Special Provisions amounts to Rs. 21,30,000, and there is an increase over the Budget for the current year of Rs. 24,20,000, which will reduce the opening balance for next year to 20 lakhs, the minimum allowed by the Government of India. In making these grants, are we leaving sufficient reserve against contingencies?

"There are two contingencies of a serious nature, - Plague and Famine. With regard to famine, the Budget states that there is to be no allotment, as no expenditure is anticipated. We sincerely hope that no expenditure will be necessary; we, however, appear to be living in phenomenal times, and our rainfall during the past six months has been scant. Plague and famine are frequent companions.

"A considerable sum has been granted for plague, but it seems doubtful if sufficient has been reserved for dealing with the awful scourge that has increased in all directions throughout this thickly-populated Province, and which must surely call for heavier expenditure. I may be taking a view of the situation unduly pessimistic, but the outlook of the future is certainly very serious. Judging from the history of plague in past ages, there is certainly on one point that it comes with the intention of running its course, and that it defies the skill of the Physician. Sanitation, ventilation, disinfection and cleanliness appear to be the only means of checking its advance and of mitigating its

virulence. How long it will remain with us it would be venturesome to predict. We hope that, as Bombay shows signs of recovery after five years, it may not stay with us the half century, the term of its duration, when it overran Europe some centuries ago. History tells us, and the present conditions confirm the fact, that its ravages are greatest in cities and towns in which the population is most congested, and in which sanitation is most deficient and difficult. In Bengal there are many large towns to which these conditions apply, and for which the help of Government is necessary in the matter of eradication and prevention of the disease.

"Probably, Sir, you may be able to re-assure us as to the measures being taken throughout the Province, and to allay the feeling of anxiety that exists in the public mind. The patience of the people under this affliction has been remarkable. There has been no scare, and the plague rules have worked smoothly. This must be most satisfactory to you, Sir, to whom this condition of affairs is mainly due. In Calcutta itself plague has increased year by year in the same manner as it did when it attacked Bombay. We have had a larger death-rate in successive years, and we are naturally anxious regarding the next two years.

"With regard to Calcutta, we find that the congested districts are those which give the heaviest death-rate, and that the people who do the cleansing are those who are most susceptible to the disease. Our main hope is in sanitation, ventilation, the cleansing of the City generally, and the opening out of the congested districts. It is impossible that much can be done immediately in opening out the congested districts, but we shall be glad if cleansing and disinfection be continued vigorously, so that we may do all that is possible to eradicate the disease or at all events to check the increase that we may expect during the next two years.

"I do not intend to adversely criticise the work of the Municipality on the question of the sanitation of the City. I feel that the Chairman and his Executive have struggled and done well in the face of extraordinary difficulties. My wish is to assist rather than criticise in the face of the danger which is awful to contemplate in so prosperous a province and so prosperous a city. The measures that are necessary for prevention and eradication add considerably to the duties of the Chairman, which already tax him to an inordinate degree. At a juncture of this nature, we hope that he will ask for and obtain all the help that he needs. Some help the Commissioners can give, but it will be to a limited extent for they are as a rule busy men. Real help is possible from the people themselves.

"With reference to the opening out of the city of Calcutta, we have waited some time for a statement of the intentions of Government regarding the scheme which is in course of preparation. We hope that we are within measurable distance of the details of a scheme so much needed in a City so overcrowded. We see no allotment either in the Imperial or in the Provincial Budget, and we fear that it has been hung up for an indefinite period. We should have been glad to take a considerable sum from the surplus at our disposal to help us in the improvement of the City.

"There is another subject to which I wish to refer, the large sales of Jail Manufactures. At the last Budget debate, the Hon'ble Babu Surendranath Banerjee called attention to the steady increase of sales, and expressed the hope that these manufactures do not stand in competition with private enterprise. The Hon'ble the Chief Secretary, in reply, mentioned that the standing orders of Government are very clear on this point, and that, as far as possible, manufactures in Jails are in no way allowed to compete with private enterprise. This subject is one of great importance to the Association which I represent—The Trades' Association of Calcutta. The lot of the trader is not always a happy one; he has risks and anxieties which are little known to the outside world, and his business is often heavily charged with taxes—Local, Provincial and Imperial,—and he is the one of all classes to which the charitable subscription book is most frequently presented. It is not always that he can show a balance-sheet so cheerful as the Budget which we are discussing to-day. We look therefore with some suspicion on Jail Manufactures as interfering with our trading, and our suspicions are not always without foundation.

During the past year, we have referred to Government with regard to the outturn of the Benares Jail, which had become nothing less than a trading establishment, with its price list and its newspaper advertisements."

The Hon'ble THE PRESIDENT said :—" Which Jail did the Hon'ble Member mention?"

The Hon'ble MR. ELWORTHY continued :—" The Benares Jail. I was about to observe, Sir, that the list of manufactures in this Jail wound up as follows:—

'Almost any article may be manufactured in the jail; orders for the manufacture of articles will be registered and photographs sent.'

"There is praiseworthy temptation among the Jail authorities to extend the scope of the outturn with a view to show profitable working, and there is temptation to go beyond the rules laid down by Government. I hope that I may be permitted to ask the Hon'ble the Financial Secretary for a list of the articles manufactured in the Jails of Bengal. I note that the sales have been very heavy during the past four years, and that very heavy payments have recently been made for raw material. The sales in 1898-99 were Rs. 9,78,000, in 1899-1900 Rs. 11,40,000; the revised estimate for 1900-1901 is Rs. 13,35,000, and the Budget for 1901-1902 is Rs. 11,11,000.

"There is one more subject to which I wish to refer,—Education, and its technical, commercial and industrial sides. The Budget for this year gives 32 lakhs to Education, or 4 lakhs more than the revised estimate of 1900-1901. Provision is made for additional Instructors for the Sibpur College, for Industrial and Commercial Education, and for the improvement of the condition of teachers in Primary Schools. I am not sufficiently versed in Educational questions to tread on the very delicate ground of high education or of the joys and sorrows of the educational mill, which turns out more graduates than can find salaries adequate to the time and money spent by them. Their ambitions are naturally high, the market suffers from over-production: but for technical and commercial education, there is, we hope, an outlet commanding fair remuneration. I do not wish in any way to depreciate the advantages of Education. The mechanic himself is none the worse at his trade for being educated. But I contend that we shall do well to fit our young men for employment other than that of clerks and schoolmasters.

"I am pleased to see a further grant to the Sibpur Engineering College. I have had some experience of the College. It turns out men who have been taught to work with their hands as well as their brains, a teaching that has made them manly, thoughtful and self-reliant; qualities useful to them in their course through life. The men who have come to me as Electrical Engineers have at once fallen into their positions ready to act on their own initiative and to take upon themselves responsibility. They have been most valuable and have commanded a higher rate of pay than often falls to the graduate of the University.

"In the discussion on the Budget Statement of 1900-1901, the Hon'ble Raja Ranjit Sinha Bahadur of Nashipur remarked that 'there are technical schools scattered here and there in some parts of Bengal; but for want of sufficient funds they are lying useless.' He further remarked :—"The indigenous arts and industries of our country are gradually become extinct and they cannot flourish, especially in this country, without State encouragement.' The disappearance of the indigenous arts and industries, which we all deplore, is unavoidable; it is a question of cost, supply and demand. It is subject to the inexorable commercial law, to which we have to bow.

"In commercial life we have to trim our manufactures to the changes of the age, and to be ever ready to seize the advantages offered by cheaper production by means of machinery. If indigenous manufactures have died their natural death, others have taken their places. Indian labour has conformed to the demands of the times, and it has succeeded, for where hundreds were employed in hand labour, thousands are now earning good wages in mills and factories, where modern appliances are used. Personally I am in sympathy with technical and primary education, which will enable them to hold their

own in the industries of the times against the markets of the world. It is gratifying to see that this subject is receiving the serious attention of Your Honour's Government, as evidenced by the increased grant to technical education, and I feel sure that I echo the sentiments of all who have the good of the country at heart, when I venture to express a hope that more may be done in the future in this direction, even though it may be at the expense of other branches of education.

"This, Sir, is all that I have to say with regard to the Budget. I congratulate Your Honour and the Hon'ble the Financial Secretary on the prosperity which you have been able to show us."

The Hon'ble THE PRESIDENT said:—"The Hon'ble Member told me that he proposed to ask me some question about plague in Calcutta. I may inform him that I caused to be prepared a chart showing the progress of the plague in Calcutta during the last two years, which I think may interest Hon'ble Members of Council. This I shall make more clear by the remarks upon the matter at the close of the debate."

The Hon'ble MR. SUTHERLAND said:—"There is a proverb, Sir, that what you do not see, does not hurt you, but on looking through the Budget Statement it is borne in on me that what I do not see hurts me considerably. Like the Hon'ble Mr. Elworthy, I cannot see, Sir, that any provision has been made in the Budget to improve the congested areas of this great City. It is impossible not to give expression to a feeling of disappointment, if not of despair, that the recommendations of the Special Committee appointed by the Chamber of Commerce in 1897 to report to the Building Commission, though the subject of much discussion, have not yet in 1901 taken practical shape. How accurately the fears of that Committee have been fulfilled we all know only too well. In the concluding paragraph of their report, they said:—'While recognising the difficulties in the carrying out of suggested improvements owing to the question of finance, we desire to urge our conviction that it is of paramount necessity to open up the specially congested districts in Calcutta by intersecting them by means of broad roadways. We consider this one of the necessary precautions to be taken against such a disease as plague, the introduction of which into Calcutta is quite possible.' Sir, the possible has become the actual; and as my hon'ble colleague on my right has pointed out, plague in Calcutta was bad last year; it is immeasurably worse this year: who can say to what extent it will have grown in 1902? The improvement of the city is so great and costly a task, one of such importance not only to us citizens, but to the whole Province and to India generally, that the Municipality with its limited resources can but touch the fringe of the subject. The Chairman of the St. Andrew's Dinner last November pointed out that in his opinion the improvement of the Metropolis was not a Municipal question, but one of Imperial importance, demanding the early attention of Government. I need hardly say I am in entire agreement with that gentleman's views. From all one hears, I gather that the Government of India is not unmindful of its duties to the Metropolis in this respect, and we can only fervently hope that before another year comes round, a scheme for opening out the congested areas of the town will be devised, and substantial grants from the Provincial and Imperial Funds be set aside to carry out this urgently-needed work. While on this subject, may I, I hope, Sir, be allowed to draw attention to a matter mentioned at that national gathering of Calcutta Scotsmen, to which I have just referred, and which is intimately connected with the question of the improvement of the town. The expansion of this City on sanitary lines is one of the problems which must be faced sooner or later, and, in my opinion, it is our business to look ahead and grapple with the problem sooner rather than later. Calcutta at present is like a person with only one lung, namely, the *maidan*, and we shall, I think, be conducing to her welfare and longevity if we provide her in accordance with Nature's precedent with a second lung in the shape of a *maidan* at Tollyganj. This can to-day be done comparatively cheaply by acquiring the land, which is at present available; while, if we delay, the natural expansion of the town may encroach on this free space to such an extent that the successful execution of such a scheme

would entail an enormously greater financial outlay. I observe in the Budget that this year's grant towards the re-construction of the Presidency General Hospital amounts to 2½ lakhs of rupees. Assuming, in accordance with the arrangements previously come to, that the Government of India has, during the last five years, annually contributed for this purpose a sum equal to that expended by the Government of Bengal, it would appear that the greater part of the estimated cost of 22 lakhs to rebuild the hospital has already been expended. It would be interesting to know exactly how much of the original programme has been completed, and at what cost, as compared with the estimate given in the report by Mr. Risley's Committee in 1896. I believe that only a part of the original scheme has been carried out, for instance, the paying-patients' ward—an important part of the scheme has not been commenced. The old building now occupied by this class of patients appears unsuitable. We much need, I think, a well-planned building equipped with modern appliances, and I trust this work may soon be carried out. Perhaps the Government would be pleased to state how this matter now stands. In connection with the question of the re-construction of the General Hospital, I would express the hope that Government may see their way to adopt the recommendations of the Committee appointed to enquire into the working of the Port Trust in reference to the Hospital Port Dues, and that the balance of Rs. 1,14,000 now at credit of this fund may be disposed of in the manner recommended by that Committee.

"While, Sir, like Oliver Twist, other Hon'ble Members and I do not hesitate unblushingly to ask for more, I feel that in congratulating the Government on a prosperous Budget, I cannot do less than record our thanks for the liberal grants which have been made to a number of deserving objects."

The Hon'ble MR. APCAR said:—"I desire to place myself in line with my colleagues in congratulating the Government and the Hon'ble the Financial Secretary, on the prosperity Budget which has been presented on this occasion. And I desire also to congratulate the Council on the instructive speeches that have been delivered to-day. When we have representatives from the Mufussal with a grasp of their subjects and a thorough knowledge of detail, I venture to say it cannot but be an advantage to a Government that approaches the consideration of a subject with an open mind, to hear their views clearly stated. I was content to leave the discussion on the part of the non-official Members to them, and it had not been my intention to address this Council at all. And I would not have done so now, if it had not been for the speeches by the two Hon'ble Members who immediately preceded me. They have touched upon a subject, which, my hon'ble friend Mr. Baker will know, is one that I have paid considerable attention to, and that is, the opening up of the congested districts of this City. I think that the appeal made is a very reasonable one, and although I have nothing new to add to what they have said, I desire to emphasise their appeal. I am glad that the Hon'ble Member for the Chamber of Commerce, who so modestly veiled the identity of the Chairman of the St. Andrew's Dinner, has come forward and publicly recognised that the Imperial Government must be looked to to make good the defects in the sanitation in this City with regard to congested districts. It is not a very long time ago that the Municipality were being blamed for not undertaking these great works, and our protests, that it was quite impossible to spare funds from the current expenses of the Administration, were scouted. We were told that we ought to do that which we were required to do. I am glad that that question has been settled once and for all by the Building Commission that was appointed some years ago. In the finding of that Commission it is now made clear that the Municipality cannot afford to spend the money that is required to open out the congested districts of Calcutta, and that if anything has to be done, we have to appeal to the paternal Government to do so, and I trust, Sir, now that there has been this direct appeal made by the Hon'ble Members who represent the Trades Association and the Chamber of Commerce in this Council, that the matter will not escape observation.

"The Hon'ble the Financial Secretary will call to mind, I daresay, how, so far back as in May 1898, the Corporation passed a Resolution on my

motion, appealing to the Government to take the subject in hand, and even if they were not prepared at that time to provide funds, at all events, not to delay in taking such steps and initiating such measures that everything might be ready when the time came that funds could be provided. I trust, Sir, even if there has been no provision made in the Budget, that there will be no delay in taking up the consideration of this subject. There must necessarily be a long enquiry and a careful consideration before money can be expended; and in this connection, I believe I am not out of order, since the question after all centres round the financial position of this City and of this Province, if I refer to certain projects which have been in the minds of some of us with regard to the opening up of some of these congested districts. There has been a suggestion made in the Public Press for the Corporation to intervene to pass a Resolution to support a Syndicate who are interested in pressing for their scheme for a Central Railway Station in Calcutta, and one of the grounds put forward is the opening out of an insanitary and congested district if their scheme is carried into effect. Now, the Municipality is represented on the Committee who have been, or are considering the whole subject, and we therefore are precluded from moving in the matter as has been suggested. I would add further that, while I have the fullest sympathy with those who advocate the opening out of the congested districts, I cannot agree that to support the scheme put forward by the Syndicate will effect that end; I do not say in the best, but even in an effective and desirable way. The idea, as I understand it, is to bring in a high level railway running across the heart of Calcutta, east and west, and a seductive and enticing name has been foreshadowed for an avenue which forms a part of the Syndicate's scheme.

"However reluctant I may be to negative any scheme that will reject such an acceptable name as is meditated being given to a street, I cannot say that I am in favour of any project which will cut off the breezes from the northern part of the town as a high level railway very appreciably would do. We have often considered the necessity of opening up congested districts in Calcutta, and one of my main contentions always has been the necessity of letting in the southerly breezes to the northern parts of the town. There are certain alignments that seem to be patent and seem to be readymade for our adoption. We cannot disregard the financial aspect of any scheme that may be undertaken, and this I submit brings me in order in connection with the Financial Statement if I refer to the excessive cost, and, as I strongly contend, the unwise policy of the widening of existing thoroughfares in which there are old established frontages, the compensation for which would cost very heavy sums.

"In connection with the Victoria Memorial I have heard it bruited that it will be an excellent subject to take up if Bentinck Street and Chitpore Road were widened. I desire to protest against any such policy, because I think the project would entail a waste of money. I quote, on the other hand, the experience I have gained with regard to the street now called Hurrish Chunder Mukerjee's Street. Instead of knocking our heads against the frontage of Russa Road, we have taken that road in the rear, we have opened out a highly insanitary quarter, provided new building sites, improved the sanitation of the quarter, and given facilities for traffic at a cost that will be trifling as compared with the expenditure that the widening of Russa Road, would have entailed. Among the proposals for improving the southern part of the town that of an alignment starting from the end of Free School Street to be projected to meet Halliday Street; and another, that of an alignment starting from Loudon Street projected to meet Amherst Street, which I fear but few of the European community know, although it is one of the finest streets in Calcutta. Either of these projects would in opening out congested districts and improving the locality, and in every way, be to the benefit of the general public.

"There are a great many other projects such as this all ready to hand, which have, I believe, been discussed in the Building Committee. I appeal to Government to take this matter in hand, and appoint a Committee to decide on alignments and devise a scheme how the money is to be obtained, and then I trust that we shall have another prosperity Budget next year, when we may perhaps hope for a provision for the projects that

would then be matured. There are many points which are connected with the subject and many new roads required, which I have considered. I do not, however, desire to dwell upon the matter further here. I have had no idea of bringing forward anything new on the subject, but it has been my desire solely to support and emphasise the appeal that my friends the Hon'ble Mr. Elworthy and the Hon'ble Mr. Sutherland have made, and I think I have said enough on the present occasion to have carried out my desires."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I desire to associate with referer myself thoroughly with the expressions of congratulation which have been so freely offered to my hon'ble friend in charge of the Financial Department. I desire to congratulate him on the form as well as on the substance of the Budget, on its contents which are varied as well as on its form which is remarkable for its simplicity. I note a remarkable improvement in the form of the Budget. I find items included in the Budget which never found a place in any of the preceding Budgets with which I am acquainted. I note this especially with regard to the details of expenditure under the heads of 'Police,' 'Medical' and 'Educational.' My hon'ble friend rightly gauged public sentiment in this matter, and my hon'ble friend has endeavoured to gratify public curiosity. Seeing that these extra items have been given in this Budget, it is obvious that they can be given; and if they can be given in this Budget, there is no reason why they should not be given in future, and I hope the improvement that has been noticed will be carried out on an ampler scale in the years to come, so that our Budget may year by year be assimilated to the Bombay Budget in the fulness of its contents and the amplitude of its details. I am in strong sympathy with the observation of my hon'ble friend on my right, which has been supported by my hon'ble friend opposite, that Calcutta needs opening up. But Calcutta has not the funds necessary for this purpose. You remember, Sir, when the agitation was set on foot against the old Corporation, the first thing the Government did was to appoint a Building Commission to enquire into the sanitary condition of the town and to suggest improvements. That Commission was presided over by Mr. Justice Trevelyan, and it made a distinct recommendation, quoting the authority of Lord Wellesley, an authority which I think the Council will respect, and that recommendation was that the opening up of Calcutta was more or less an Imperial duty and the Commission also found that the maximum of taxation had already been imposed upon the citizens of Calcutta, and that it was impossible to lay any further taxes upon them, and that, therefore, if the congested areas of Calcutta were to be opened up, and if justice were to be done to the sanitary needs of Calcutta in this respect, the Provincial Government or, at any rate, the Imperial Government must come to the rescue. What has become of the recommendations of the Commission in this respect? They have practically been shelved, and in the meantime the old constitution of the Corporation has been changed. It was expected at the time that with the change of the constitution of the Corporation, the millenium would come, but the millenium has not come. Calcutta remains as insanitary now under the new Corporation as Calcutta was under the old Corporation. The ravages of the plague form a mournful feature in the annals of the City. Has the new Corporation been able to grapple with this terrible disease? The new Corporation is as powerless as the old Corporation was. The only thing that could be done, and the only thing that ought to have been done, was the taking up of those measures of sanitation which the Building Commission had recommended. But this was not done. It was a question of ways and means. It was easy enough to upset the old constitution: a much more difficult matter to find the means to open up the congested areas. I am sorry to have to make these remarks, but I am bound to make them in the discharge of my duty to my constituents.

"In the Budget we find that the revised estimates show an improvement of Rs. 17,00,000. This is a matter upon which we have reasons to congratulate ourselves, but when we look into the matter closely, I think those reasons disappear, because the improvement, or at any rate a good part of it, is due to the improvement under the head of Excise. I will not repeat the arguments

which have already been laid before the Council, but it seems to me that there are in the very epigrammatic remarks of my friend noted on the receipt side of the Budget, a distinct indication that the policy of the Government in this matter has been a policy which is in violation of the repeated declarations of the official exponents of the Government. I take the policy of Government to be, in regard to Excise matters, the maximum of revenue with the minimum of consumption. But what do I find on reading the notes which my hon'ble friend the Financial Secretary has appended to the Excise Budget? I find that the consumption of *ganja* has been stimulated by a fall in the retail price of that commodity, which means that the increase in the revenue under the head of *ganja* has been due to increased consumption. Here, therefore, we have a maximum of revenue with a maximum of consumption, not a maximum of revenue with a minimum of consumption.

"Again, we find on the receipt side of Excise, an increase in the sale of opium. My friend ascribes it to the increased prosperity of the people. Much more likely that the people would drown their sorrows amid the fumes of opium than seek enjoyment in a drug which benumbs all powers of enjoyment. I have never heard of a man taking to opium in the height of his prosperity. I have heard of people taking to opium as an antidote to disease or misfortunes. I think, Sir, that this increase is due to the suppression of smuggling. Here the Administration is fairly entitled to a credit which it does not take. I believe the Police Force has acquired new efficiency in this respect, and to that we must ascribe this increase of revenue.

"Then coming to the Budget Estimates for this year, we find that the Government is in a position to make a grant of Rs. 24,00,000 to meet items of useful expenditure. I desire to congratulate the Government on the judgment and discrimination with which these items have been selected, subject to certain reservations, to which I shall presently call attention.

"In the first place I thoroughly associate myself with the expression of gratitude which has been re-echoed in this hall for the allotment made for the purpose of remedying the status of the Provincial Service in both its branches. There was a block in promotion so far as Deputy Magistrates were concerned, and there was a block so far as the promotion of Munsifs and Subordinate Judges was concerned. There were serious grievances affecting these services. They were brought to the notice of Government, partly through the representations of Associations, and partly through the interpellations of Hon'ble Members. My friend was pleased to describe these representations as being highly coloured. Whether highly coloured or representing the truth, at any rate, they embody the views which have been largely accepted by the Government. A sum of Rs. 1,40,000 has been assigned to improve the Provincial Service in both its branches. The details of that scheme are not before us, and it seems to me to be premature to discuss the matter without knowing anything about it. I hope that this expenditure is not limited to Rs. 1,40,000; I hope, whatever the full total may be, it may be equitably apportioned between the two branches of the service. I will not try to apportion their grievances: that is a matter for the Government, and I am convinced that a Government which has gone so far, will take into consideration their respective grievances and claims, and do what the justice of the case demands. In this connection I may be permitted to make an appeal to the Hon'ble the Chief Secretary in connection with the Subordinate Executive Service, and that is, when the new scheme is given effect to, the Government will make the promotions from the Subordinate Executive Service to the higher Provincial Service. In filling up vacancies in the Provincial Service, will he be so good as to take into consideration the claims of Sub-Deputy Collectors, especially of those who have got in through the open door of examination. I hope my hon'ble friend will take their case into consideration. There is really little or no difference in point of education and social position between Sub-Deputy and Deputy Collectors. They receive the same education and pass the same examinations; only they are lower down the list.

"I desire also to associate myself with the congratulations which have been offered to Government for the grant of Rs. 4,80,000 to the District Boards. I

entirely sympathise with the observations of my friend to the right. It is no use repeating *ad nauseam* the charge of misappropriation which has been levelled against the Government. It is ancient history, and it is no use harping upon old themes. We ought to accept the situation and offer our gratitude to a Government which shows its sympathy in such a practical and liberal form. Here may I be permitted to express the hope that a portion of the Rs. 4,80,000 may be ear-marked for the purpose of water-supply. My hon'ble friend to my left has called attention to the matter and has clearly shown by figures read before the Council that the instructions of Government with regard to water-supply issued to District Boards have not been carried out. Therefore it seems to me incumbent on the Government to apportion a part of this money to this purpose. I would ask my hon'ble friend to give me some explanation with regard to a statement which appeared in one of the morning papers. It is said that in the Patna Division there are District Engineers who draw high salaries from Rs. 800 to Rs. 1,000, and that these salaries are drawn in defiance of the orders of Government. Is there any justification for these District Engineers drawing higher salaries than what District Engineers get elsewhere?

"Then I find that a sum amounting to over Rs. 2,00,000 is to be given as contribution to Local Boards for plague expenditure. I rejoice that the Government has accepted that view of the matter. Again and again from our places in this House we have sought to impress upon the Government the truth that plague charges are Provincial rather than Local. Popular views are always sound; for they are based upon considerations of justice and equity, and to us it is a matter of great satisfaction to find that Your Honour's Government has been converted to our views in this matter. I trust that the local bodies will now be relieved for good from all responsibility so far as plague expenditure is concerned.

"Then coming to the head of Police I find that Rs. 29,000 are devoted to the purpose of substituting Sub-Inspectors as investigating officers in place of Head-constables. This is in pursuance of the recommendations of the Police Committee. It seems to me that you will never improve the Police by giving a rupee or two as increase to the pay of the Constable, or by slightly improving the position of the Head-constable. What is wanted is that the Police establishment should be relieved of the mass of clerical work they have to do, that they should be confined to the real duties which belong to their profession, that they should not be let loose to prey upon the people on every occasion, that the higher ranks of the Police should be filled by men who are trained experts in the art of detection, and, further, that a detective branch should be organised in the Mufassal for the detection of crime, which the ordinary Police are not able to cope with. It is a matter of great satisfaction to find that this is one of Lord Curzon's twelve questions. I find that a sum of Rs. 17,00,000 has been devoted in the Imperial Budget to the improvement of the Police. Twelve out of these seventeen lakhs will be spent upon reforming the Burma Frontier Police, and only Rs. 5,00,000 will, therefore, be available for the improvement of the Civil Police in India. Our share will be something like Rs. 25,000. Will my hon'ble friend enlighten me whether that sum has been included in our Budget on the receipt side? We all feel greatly interested in the reformation of the Police. The Government is popular or unpopular, according to the conduct of the Police. The policeman is the representative of the Government before the villager. He is the embodiment of the authority and the justice of the Government. The importance of the reform of the Police cannot therefore be exaggerated. If you take up this question and deal with it in a statesmanlike manner, you will confer an incalculable boon upon the public. These are the principal items of expenditure on which Rs. 24,00,000 are to be spent.

"I ask the Council now to look at the other side of the shield. I have remarked that upon the whole the items of expenditure upon which it is proposed to spend 24 lakhs of rupees have been selected with discrimination and judgment, but it seems to me that there are certain items which ought to have had a preferential claim. I would refer in the first place to the increment of pay to the ministerial servants of Government. Again and again this question has been discussed here, but the discussion as yet has led to no

practical result. The Bengal Government appointed a Salaries Commission. That Commission made certain recommendations, but these recommendations have been pigeon-holed. They have been the subject of oratorical displays round this table, but they have not passed beyond that stage. Yet the fact remains that men of opposite schools, differing from each other by all those differences which separate public men from one another, are agreed upon one matter, namely, that the ministerial servants of Government ought to receive an increase of pay. My hon'ble friend himself spoke in terms of great sympathy of this proposal. I am going to quote his speech in which he gave expression to this view in the strongest terms on the occasion of the Budget Debate in 1899. Speaking on the 15th April 1899, my hon'ble friend said:—'I should like, however, to state my personal views on this question. I may say that my sympathies are entirely in favour of giving to this class of officers an increase to the extent proposed by Mr. Risley.'

"After that expression of opinion one would expect that my hon'ble friend's sympathy would be embodied in a practical form, and would result in some tangible relief being given to this deserving class of servants of Government. But nothing of the sort has been done. Possibly it may be done yet. May I be permitted to express the hope that my hon'ble friend will find himself in a position to give an assurance on behalf of Government that this will be done at the earliest opportunity when the Government is in a position to do it? We will not quarrel with the past; we will let by-gones be by-gones; and if my hon'ble friend is in a position to give this assurance, he may be sure that it will be hailed with gratitude by a large class of public servants whose devotion to Government is unquestioned.

"Then there is another matter which, I think, ought to have been included in the expenditure of Rs. 24,00,000—I mean residences for Munsifs. If it is included, it must be under the head of 'Civil Works.' If it is included, I should like to know the amount of the grant, because it was understood that Government was practically pledged to provide Munsifs in outlying stations with suitable accommodation. I should like to know what has been done in this connection.

"There is one other matter to which I should like to call attention in this connection. Your Honour's Government sent out Dr. Rogers in 1899 to make a sanitary inspection of the Riparian Municipalities, which at that time were suffering from malarious fever. Dr. Rogers, I understand, made a most exhaustive enquiry, and he came to the conclusion that what was required was not so much drainage as pure water. Whether it is pure water or drainage is immaterial, but the fact remains that pure water is an unmixed blessing, and it would be a great benefit to these Municipalities, if they were given an assurance that a loan would be given to them to enable them to carry out a scheme for water-supply.

"There is one other matter to which I should like to draw attention, namely, the salaries of menial servants. There has been a rise, in many places, in the price of provisions, and our menial servants are entitled to certain allowances in case of a general rise. Will my hon'ble friend consider the propriety of granting them these allowances? I do not know whether the increase is sufficiently high to entitle these men to the increased allowances provided under the Government Regulations, but I am perfectly certain my hon'ble friend will be good enough to interpret the Regulations in a liberal spirit.

"In looking over this Budget, Sir, one thing that strikes one is the steady increase of expenditure, and the question which I have to ask my hon'ble friend is whether our revenue keeps pace with expenditure—whether during the period covered by this Budget, revenue has increased in the same proportion as expenditure? There must be increase of expenditure in connection with a progressive Government, and the great thing is to see that expenditure does not outstrip revenue.

"Having made these remarks, I should like to call attention to certain details of which I gave notice to my hon'ble friend. In the first place, under the head 'Land Revenue' page 19—'Charges of Administration'—'Subdivisional Establishment' there is a steady increase in expenditure. The actuals of 1899-1900 were Rs. 1,13,935, the revised estimate for 1900-1901 was

Rs. 1,16,000, and the budget estimate is Rs. 1,21,000. Then under 'Settlement Operations' there is also a large increase. Then under 'Stamp' there is an increase under 'Presidency Executive Establishment,' and the explanation given is one with which I am not satisfied. I will read the explanation:—

'Increase in revised due to the adjustment under this head of rewards in Stamp cases paid in Calcutta formerly adjusted under 7.—Excise. Further increase in Budget due to a provision for rent of a godown at the Port Commissioners' jetty and for purchase of trestles.'

'That cannot account for the increase in the budget estimate for Executive Establishment. What I wish to point out is that the establishment shows a steady increase, and it seems to me that this is a matter which should be carefully looked into.'

'Then I come to page 21, 'Customs,' 'Collector's Establishment,' 'Appraising Establishment,' and 'Preventive Establishment.' There is an increase in all of them, and no explanation is given.'

'Then, again, we have 'Contingencies.' I am always afraid of contingencies. Contingencies cover a multitude of sins; and unless details are given it is difficult to control the expenditure.'

'There is also an increase under 'Assessed Taxes' and 'Calcutta Establishment,' which is not explained.'

'Then, again, under 'Forests,' it will be seen that there is a steady increase of expenditure. The grand total of expenditure for 1899-1900 is Rs. 5,45,205, for 1900-1901 is Rs. 5,80,000, and for 1901-1902 is Rs. 6,90,000. That is to say, there is an increase of Rs. 1,10,000 over the expenditure of last year. Now if we go back to the receipt side, page 14, we find that the grand totals are Rs. 12,00,000 revised, and Rs. 11,75,000 budget estimate, and, if you put these figures together, it comes to this—that on your revenue side there is a loss of Rs. 25,000 and your expenditure has increased by Rs. 1,10,000, so that the total loss comes up to Rs. 1,35,000.'

'Then I find an increase under 'Salaries' due to the creation of three additional appointments in the Imperial and Provincial Services and the re-organisation of office establishment. Might I enquire how many of these appointments have been given to pure natives?'

'Then I come to 'Contingencies,' page 22, under 'Law and Justice.' The figures are Rs. 1,32,799 actuals, Rs. 1,35,000 revised, and Rs. 1,54,335 budget estimate. There is no explanation. There is a very large increase, and it is a steady increase. What do these contingencies include?'

'Then I come to the 'Subdivisional Establishment.' Looking at these figures it strikes me that there is a mistake somewhere. If you look at pages 9 and 23, under the head of Subdivisional Establishment, you will find certain figures there, and these figures agree. There appears to be a double entry. You will find the same figures reproduced and in precisely the same order.'

'Then under 'Jails'—'Superintendence,' there is no explanation; also under 'Contingency.'

'Then we come to the head of 'Police.' No explanation is given in respect of the figures for 'Training of Sub-Inspectors,' but this is a very small matter. The establishment also shows a steady increase.'

'Then, again, we have 'Contingencies'—Rs. 1,79,595 actuals, Rs. 1,70,000 revised, and Rs. 2,79,400 budget estimate. Again there is no explanation.'

'Then we come to page 25, 'Marine Establishment.' Again there is an increase, for which there is no explanation.'

'All the increases that I have called attention to, particularly the increases in establishment, are matters which should be looked carefully into.'

'Then, Sir, we come to 'Education.' Under the head of 'Miscellaneous' we find that the actuals are Rs. 99,181, revised Rs. 57,000, and budget estimate Rs. 2,02,000. I do not know what this means and how to account for this enormous increase in the budget estimate.'

'Then, Sir, I come to the Civil Engineering College, Sibpur, Howrah. The actuals are Rs. 1,67,580, the revised estimates are Rs. 1,70,000, and the budget estimates are Rs. 2,17,000. In this connection, if your Honour will permit me, I desire to call attention to the Resolution of Government, which was issued,

I think, in the last number of the *Calcutta Gazette*. It seems to me that, under the terms of that Resolution, the Engineering Department of the College will be deprived of half the number of appointments at present open to that Department, and these will be given to the Apprentices. I should not object to a procedure of this kind at all, if adequate compensation were given to the students preparing themselves in the Engineering Department by improving their prospects to the higher Engineering Service. Half the appointments previously open to them are withdrawn without any compensation whatever. This is the first complaint I have to make. If, Sir, it is said that the Engineers are wanting in practical knowledge, then my reply is that the remedy is in the hands of the Government. Give them the practical training to fit them for the practical work they will have to do. Why withdraw these appointments from them? They will be most willing to undergo this practical training, and with the superior education they have, their practical training will enable them to beat the Apprentices.

"Now my second complaint is this: I find that these appointments are to be given, in their case, according to the results of the final examination, but in the case of the Apprentices, the Appointments will not depend upon the results of the examination, but upon selection. In the one case you apply a rigid test, and in the other case you enforce the reign of discretion. I should not have the least objection if all the appointments were given away after a rigid test, without the suspicion of any personal feeling of any kind coming into play.

"Then, Sir, I find under clause 3 of the Resolution that those who pass the B. E. examination, and who, after a course of practical training in the Sibpur College, are entitled to a certificate as Engineer, will no longer be permitted, as a rule, to pass through this practical course. I think that is practically settled by the terms of the Resolution, which I beg your Honour's permission to read:—

"III.—The probable number of vacancies in the Upper Subordinate Establishment of the Bengal Public Works Department will be estimated annually. The number of graduates of the Calcutta University (being students from the Sibpur College), who will be placed on their "practical course" in the Public Works Department, will be one more than the number so estimated, but not less than four in any case.

"They will be taken in the order in which they stand in the University list, and if a mining student is among the number, he will be allowed to reckon his mining course as equivalent to the "practical course."

Hitherto all B. E.'s were entitled to go through a course of training in the Practical Course. Without that training, they could not obtain a certificate in Engineering. The number of B. E.'s entitled to receive a training in the Practical Course being now limited, every B. E. will be denied the opportunity of obtaining for himself a certificate as Engineer. After a Resolution like this, I should like to know how many graduates will join the Engineering Department of the Sibpur College. I have most carefully thought over the matter, and I have consulted gentlemen who ought to know something about it, and I have no hesitation in saying that a Resolution like this will be considered disastrous by the University graduates and under-graduates, who are now receiving their training in this College. I placed myself in communication with the Hon'ble Mr. Buckley. He said that he considered my objections as being perfectly just. I hope my hon'ble friend will see his way to modify the Resolution. I beg of him to do so in the interests of technical education, which he has so much at heart. The Government is most anxious to promote technical education, but with a Resolution like this, I feel perfectly certain few will be tempted to join the Sibpur College, the only technical and scientific institution that we have on this side of India. I would ask your Honour to do what the justice of the case demands, with due regard to the great interests which are committed to your care.

"I do not know that I need take up much more of your time. There are just one or two other matters to which I would call attention.

"Under the head of 'Medical' I find the figures for 'District Medical Establishment' showing an increase.

"I feel an interest in the Albert Victor Leper Asylum. I am one of the Governors, but I am one of the sleeping Governors. We do not hold any

meetings at all. I remember once one was called at 7 o'clock in the morning, when most people are in bed, and I was not able to attend. As a Governor, I naturally feel an interest in this Institution. I find a note here showing that the decrease in the revised estimates is due to smaller payments for the diet of patients and clothing. I should like to have some information on this matter.

"Then, Sir, we find at page 27 a sum of Rs. 5,000 for a grant to the Tea Association, and another sum of Rs. 7,500 for a grant to the Indigo Association. I should like to know, Sir, why these grants were made, and is there any precedent for such grants?

"Then we find Rs. 5,000 for special Commissions of Enquiry. You budgeted Rs. 5,000 last year, and spent only Rs. 1,000 on special Commissions of Enquiry. Are any Commissions of Enquiry expected this year? If not, the grant seems to me to be excessive.

"Then I come to the Midnapore Canals. The expenditure in the Budget Estimates shows a great increase over the Revised Estimates, but no explanation is given for this increase.

"As regards the Orissa Canals, we find a progressive expenditure, while the revenue is steadily declining.

"Lastly, I have to call attention to the note at page 30—Increase for the introduction of the Local Self-Government Act in the Chota Nagpur Sub-division with effect from the 1st April, 1900. Will my hon'ble friend be good enough to inform us whether the elective principle will be recognised in Chota Nagpur. He would lay the people of Chota Nagpur under a great obligation if he would consent to the gradual introduction of the elective principle into selected areas in that Division.

"I do not know that I have anything more to add. I desire once again to congratulate my hon'ble friend, the Financial Secretary, and to express, on my own behalf and on behalf of those whom I have the honour to represent, our gratitude to your Honour's Government for the sympathetic attitude of the Government, as expressed in the various provisions made in the Budget of this year."

The Hon'ble MR. BUCKLEY said:—"I propose only to deal with those matters referred to in the discussion to-day which concern the department under my charge, leaving the other points raised to be met by my colleagues. I shall first of all reply to the remarks made by the Hon'ble Babu Boikanta Nath Sen with reference to the revenue from the Sone Canals, but in this matter, as in others to which Hon'ble Members have referred, if they had only looked a little further back than the actual figures presented to them in this Budget, they would have seen for themselves that the facts are not as they think them to be. The Hon'ble Babu Boikanta Nath Sen was under the impression that we might expect an increase of revenue from the Sone Canals: we do expect it, and we have been expecting it and getting it for many years past. If the Hon'ble Member will refer to the published reports on these works, he will see that, generally speaking, there has been a large increase in the revenue. That increase has not been suffering any general diminution, but in this particular year, the revenue from this Canal has been a little lower than that of last year, but it is far higher than the average of a few years ago. The chief reason is, that this year the *rabi* season has been unfavourable for Canal irrigation.

"Then as regards Agriculture Receipts to which the Hon'ble Babu Boikanta Nath Sen referred. The difference is small. The revenue collected is mainly for grass-cutting and petty items.

"The Hon'ble Mr. Das referred to the question of Feeder Roads, and he was apparently under the impression that the expenditure on Feeder Roads was going to be curtailed, or that they were the concern only of the District Boards. I desire to inform him that Government has for some years past taken a great deal of interest in Feeder Roads, and has been endeavouring to extend them as much as possible, and expenditure has been incurred every year from Provincial Revenues.

"The Hon'ble Babu Boikanta Nath Sen, in referring to the Nadia Rivers, spoke of a matter which is in itself extremely interesting. I can assure him

that the suggestion he made will be duly considered. I may say, however, that I do not myself think that the substitution of corrugated iron for mats will be successful, but I will discuss the matter with the local officers. I have, Sir, a book before me which refers to the works carried out on the Mississippi, and there they work with mats in a manner which is not dissimilar to that we employ on the Nadia rivers. The Hon'ble Member thought, however, that mats were a failure, but they effect their purpose in a very remarkable way. His main contention was, that these rivers were deteriorating and that measures should be taken to stop this. I should be delighted if that could be done. It was only some few weeks ago that I came across an old book, written some twenty or thirty years ago, where they complained of precisely the same deterioration of these rivers, as we hear of to day. The fact is, I believe, that these rivers are sometimes better and sometimes worse. I do not think they are materially worse now than they were twenty years ago. It has frequently been said that the large decrease in revenue is due to the deterioration of these rivers. I have here the figures for the last ten years, and I find a steady and large decrease in the receipts from both. It is now about half what it was ten years ago.

"Now, whatever the reason for this decrease is, it is certainly not entirely due to the deterioration of the rivers. They may have deteriorated to some extent, but not to anything like the extent which the figures might be taken to indicate. The hon'ble gentleman suggested that we should dredge the rivers and clear out the shoals in that way. If he studies the reports of the last few years, he will see how extremely difficult the task would be, and what a large sum would be required. In this book before me it is stated that a certain year large quantities of sand came in from the Ganges and choked up the river to a length of five-and-a-half miles. Now, if we spend three lakhs in buying a dredger, and Rs. 60,000 or Rs. 70,000 a year in working it, we may be able to deal with such quantities of sand. Roughly speaking we would have to double the expenditure, and even then it is doubtful if we could keep the channels clear. I do not think that the revenue brought in from the rivers would justify such a large expenditure.

"Now I will turn to the remarks of the Hon'ble Babu Surendranath Banerjee, who referred to the Orissa Canals receipts showing a steady tendency to decrease. There is no doubt that the Orissa Canals are not altogether a successful undertaking and the receipts do show a steady tendency to decrease. They are not like the Sone Canals which I mentioned just now. But the decrease is not largely in water-rates: the decrease is in navigation mainly. The opening of the Railway is the cause of the decrease, which, I am afraid, will be permanent. These Canals however serve a useful purpose in insuring the country against a failure of the rice crop. The hon'ble gentleman is aware of the fact that in the year 1866, I do not know how many thousands of people died in Orissa from want of food. The Orissa Canal has entirely prevented that. The Government of India in a recent Resolution has emphasised the necessity for the construction of works which may prevent famines, and these Canals fulfil that purpose. With one exception, the water-rates charged on these Canals for rice are the lowest in India, and I believe that the people do get, even in ordinary years, the full value of their expenditure in increased outturn of crops.

"The Hon'ble Member referred to the apparent increase in the expenditure on Marine Establishment. Here again if the Hon'ble Member will be good enough to look further back than the figures before him, he will see that the facts are different from what he thinks they are. It is true that the revised estimate for last year was Rs. 73,000, and the budget for the present year Rs. 89,000; but the fact is, that the revised estimate for last year is abnormally small. This is explained almost entirely by the fact that in that year several of the more highly-paid officers were on furlough and officers on lower salaries were acting for them.

"The Hon'ble Babu Surendranath Banerjee also referred to the Midnapore Canal, and appeared to think that there was an increase in expenditure. This is not the case. The fact is exactly the contrary, but it so happens that the revised estimate of last year is the lowest on record, so the figure for this year shows an apparent increase; but it is largely below the average. The navigation

receipts of the Canal are now being largely reduced by the Railway. The steamers which run on the canals, are being taken off, and we are reducing the expenditure as much as possible.

"The next point I will take up is in connection with the remarks of the Hon'ble Babu Surendranath Banerjee, who said he was under the impression that District Engineers were being paid in excess of the maximum fixed, in defiance of the orders of Government. The Hon'ble Member is partly right, but he is not right when he says that it is in defiance of the orders of Government. There are seven gentlemen who get more than Rs. 650 per month, which was laid down in a Resolution as the maximum pay of District Engineers. Of these seven, two are Bengali gentlemen, and the other five are Europeans. But in each case, the salary has the sanction of Government. The higher salaries are mainly paid in the districts in the Patna Division, and the reason is, that it is considered desirable there to have men of higher qualifications than are necessary elsewhere. One of the grievances of the District Engineers is, that they cannot obtain promotion. District Boards not infrequently press for increases of salary for the District Engineers, and this increase has to be resisted when the salary given is sufficient for the work to be done. But the officers as they gain in experience and efficiency, naturally and rightly, expect an increase in salary. This should be attainable by transfer to more responsible charges. But, for some reason or another, District Boards are generally unwilling to take Engineers from other districts, and this fact hampers the promotion of deserving men. The Hon'ble Member may have noticed a Notification which is now appearing in the Gazette, which has, among other objects, the intention of improving the prospects of promotion of District Engineers.

"The Hon'ble Babu Surendranath Banerjee spoke on a matter to which, I gather, he attaches a great deal of importance, namely, the Resolution which appeared in last Wednesday's Gazette about the Sibpur College. The hon'ble gentleman appears to object strongly to the orders of Government, and he criticises those orders severely. I think the criticisms which he has made are perfectly fair and reasonable, and I am very glad to have an opportunity of answering them. The first objection the Hon'ble Member makes is, that this Resolution is a reduction of the privileges of the 'Engineer' students. Now, this is true; but it is necessary, in the first place, for me to explain that the Sibpur College is divided into two branches; the 'Engineer' Branch, which is primarily intended to qualify men to be Assistant Engineers in the Public Works Department, and for similar appointments on the Railways and elsewhere, and the 'Apprentice' Branch, which is under a different organisation, the object being to train students to fill positions as Upper Subordinates in the Public Works Department, Foreman Mechanics, and Clerks of Works, &c. The candidates who enter the 'Engineer' Department are guaranteed one appointment in the Engineering Establishment of the Public Works Department in Bengal, and that appointment is still reserved for them under this Resolution. But these 'Engineer' students have hitherto not only obtained this prize appointment, but they have also almost exclusively obtained the appointments in the Upper Subordinate Establishment for which they were not specifically trained; while the students in the 'Apprentice' Department of Sibpur, who are trained as Upper Subordinates, have not for many years obtained any appointment in the Public Works Department in Bengal. I believe this is without precedent in any Engineering College in India. The position which the Government has taken up in this matter is very strongly supported by the speech made by the Hon'ble Mr. Elworthy, who spoke in the highest terms of the men he has obtained from the 'Apprentice' Department of Sibpur. These men do, as Mr. Elworthy said, get employment with the Commercial community in Calcutta, and the general employment elsewhere, and, in a good number of cases, the salary they get is higher than that of the Upper Subordinate Establishment of the Public Works Department, but these men were absolutely debarred, until this Resolution came out, from ever entering the Upper Subordinate Establishment. I cannot think that the Hon'ble Member would think it right that any students from the Sibpur College should be placed under such distinct disadvantages, and that they

should not have any avenue of approach whatever to the Public Works Department. I do not deny that the 'Engineer' Department will suffer to some extent by this change, but it is one which it is perfectly fair to make on behalf of men who have proved themselves by the positions they actually attain to be eminently fitted for the Upper Subordinate Establishment. I have a list of 10 or 12 of these apprentices who are now getting Rs. 100, Rs. 150, and even Rs. 250 a month in private employ in Calcutta, yet, if I understand the hon'ble gentleman rightly, he would not even give them a chance of getting Rs. 80 a month under Government. Bengal has, undoubtedly, favoured the 'Engineer' class of Sibpur most unduly by allowing them to monopolise all the appointments in the Bengal Public Works Department. It was expected that these 'Engineer' students would obtain higher appointments as Civil Engineers in India, but a large number have consented to take the lower appointments as Upper Subordinates. In other Provinces, appointments in the Upper Subordinate Establishment are largely given to men who have been trained, as they are trained in the 'Apprentice' Department of Sibpur, as practical workers, and this is the class which has for years been almost entirely excluded in Bengal.

"The Hon'ble Member made the objection that the selection of the men for appointments in the Government service is not to be by examination. This is not quite correct. What the Resolution intends to do is this: Half the men will be taken from the 'Engineer' Department by the results of the University Examinations, and His Honour the Lieutenant Governor will nominate the other half from the 'Apprentice' Department without reference to the results of any examination. The total number of men who will thus be placed on their 'Practical Course' will be double the probable number of the appointments in the following year. At the end of the period of the Practical Course they will be subject to an examination, and those who succeed in that final examination will get the appointments in the Public Works Department. It is quite true that the apprentices who are to be put on the Practical Course will be nominated by His Honour the Lieutenant Governor, and not taken after passing an examination. This has been deliberately done for a good reason, and is in accordance with precedent. The same thing is done in the Subordinate Executive Service. A certain number of men are taken for that service by examination only, and His Honour selects others, who have passed a qualifying examination, at his pleasure.

"Then the Hon'ble Member said that the result of this Resolution will be that some of the 'Engineer' students who pass will not be able to get their Assistant Engineer's certificate, because they will not pass through the 'Practical Course.' Here he is under a misapprehension. Last year and the year before last we were unable to take all the 'Engineer' students on the 'Practical Course,' but they went through that course in the Sibpur Workshop. And they did get their certificates as Assistant Engineers. The intention is to do the same with future students, provided that the number who require to go through this course after passing the University Examination is a moderate one.

"The Hon'ble Member concluded by saying that this Resolution would be absolutely disastrous to University students. I doubt if that will be the effect. These students still have the prize appointment of Assistant Engineer in the Bengal Public Works Department reserved for them and an equal chance of half the appointments in the Upper Subordinate Establishment: they hold a far higher certificate for theoretical knowledge than is granted to those who pass through the 'Apprentice' Department. It is true that the number of appointments as Upper Subordinates to which they can attain is reduced; but if they do not attain to these, and if they really are superior to the students who pass through the 'Apprentice' Department of Sibpur, we know that business-men, like the Hon'ble Mr. Elworthy, will be able to give them work—carrying, in many cases, higher salaries than they can obtain in the Upper Subordinate Establishment of the Public Works Department."

The Hon'ble MR. SLACKE said:—"I shall endeavour, Sir, to give as fully yet as briefly as possible the information which certain Hon'ble Members have asked

for with regard to various matters connected with the departments under my charge. Under the head 'Land Revenue,' the Hon'ble Mr. Bose wished to know the reason why in the Revised Estimate of last year there was an increase of Rs. 3,00,000 in the revenue. Rather more than half of that sum is due to the recoveries of Settlement Survey Charges being better than was anticipated, about half a lakh more than was expected was realised in Government Estates, and a large increase, representing about one lakh in value, occurred in the applications for grants of waste land. The same figures that are given in the Revised Budget are given in the Budget for the present year, and so far as the increase relates to settlement, I understand that the Hon'ble Babu Boikanta Nath Sen considers that we are treading on dangerous ground. I cannot share the views of the Hon'ble Member, for very great care is taken by Collectors in preparing the estimates of the increases that may be anticipated. Nor do I share with him his fear that officers will violate their consciences by endeavouring, in spite of their own convictions to the contrary, to work up to the estimated increase.

"The same Hon'ble Member considered that the recent order prescribing certain arrangements for the purpose of keeping out the public from office rooms would create a greater evil than the one it was intended to stop. To this I would say that presumably those who may experience any such evil will bring it to the notice of the Deputy Collectors in charge of the department concerned, who will no doubt promptly put an end to it.

"With reference to the Hon'ble Mr. Das's suggestion about typewriters, the matter will receive attention, and may I hope be carried into effect. Enquiries have been made with reference to the increase under the head of 'Settlements.' Part of the amount is due to additional expenditure required with reference to operations commenced before this year, and part to the inception of certain new settlements to be undertaken this year.

"Under the head of 'Forest,' the Hon'ble Babu Surendranath Banerjee took exception to the increase in salaries. He first of all referred to the fact that the expenditure is outstripping the revenue, and showed that we should lose Rs. 1,35,000 yearly. As you are aware, Sir, for a long number of years the Forest Department has been suffering from want of a proper and adequate staff, and the matter has been represented to the Government of India who have assented to an increase, not only in the superior staff, but also in the ministerial establishment. The increase in the superior staff entails a cost of Rs. 22,800 in the present year, and consists of one Deputy Conservator of the first grade, one of the 3rd grade, and an Assistant Conservator, 2nd grade, the last being transferred to the Provincial Service. The increase in the clerical establishment consists of 14 clerks, whose salaries this year amount to Rs. 9,700. With reference to the question regarding sub-head 'V' the case is this—Government being unable last year to give an extra allotment for certain necessary works, the cost had to be met by postponing the carrying out of some items for which money had been provided. These items are included in this year's Budget, and in addition a sum of Rs. 19,000 is assigned as part payment for the construction of a new steam launch to replace the *Cygnat*, and Rs. 2,000 to purchase an elephant that is required.

"The Hon'ble Babu Surendranath Banerjee desired to know how many natives there were in the Provincial Service. The answer is two.

"I share with the Hon'ble Mr. Bose the hope that the revenue under sub-head 'III' will show an increase.

"I will now deal with the remarks relating to Education. First of all the Hon'ble Mr. Bose desired to know whether any increase had been made in any of the normal grants for Education, and, considering that the recent orders changing the system of vernacular education necessitated an increase in the grant, asked if such had been provided. To both these questions the answer is in the negative.

"In speaking of Female Education, the Hon'ble Member asked that a greater stimulus might be given by increasing the grant, and, referring to certain remarks of the Director of Public Instruction, asked whether any provision had been made in the Budget for their furtherance? No such provision has been made, while as to the need of a greater stimulus, the Hon'ble Member

has apparently forgotten that at present double rates are offered for each girl that succeeds at primary examinations. Much has been said with reference to the very small proportion of girls of school-going age who attend school, and various causes have been assigned to explain this. But the most potent, if modern vernacular literature is to be accepted as an authority, has been omitted, *viz.*, that a strong re-action has set in against the education of girls.

"With reference to his eloquent appeal on behalf of higher education, by which I mean scientific and technical as apart from literary, I may observe that research scholarships have already been established, and Government, I have but little doubt, will always be willing to spend money for the advance of scientific as well as technical education in this country.

"Turning to the details regarding which information is wanted, the Hon'ble Mr. Bose wanted to know why it was that the grant for furniture and apparatus last year had not been worked out. The explanation is that certain goods amounting to over ten thousand rupees and for which an indent had been sent to England, did not arrive before the year closed. Thus the value could not be debited against the grant.

"I have been asked to explain the decrease under the head of 'Grants-in-Aid'. The greater part of this is due to the transfer of schools in Chota Nagpur to the District Boards of that Division, and part of it, *viz.* Rs. 6,000, to withdrawal of grants.

"As regards the Building grant, the Hon'ble Member ventured a hope that the Deaf and Dumb School will be granted half-a-lakh. The amount which has been sanctioned for that Institution is Rs. 30,000, and I am afraid I am not in a position to hold out any hopes that this will be increased.

"The same Hon'ble Member pointed out that in the Budget of the coming year as compared with the past, after taking into consideration the item given in page 7 of the Budget Statement, there appears to be a decrease of nearly one lakh. This is due to the transfer of the schools in Chota Nagpur to the District Boards.

"Then as regards the additional establishment at Sibpur, the information desired is given in part in the Budget itself, namely, the provision of two additional Foremen Instructors and an additional Professor, while as regards the additional instructive staff there referred to, the details have not yet been worked out.

"Concerning the Provident Fund for *Gurus*, I am unable to give the details of the scheme, because they are still under the consideration of the Government of India.

"The Hon'ble Babu Surendranath Banerjee asked for details of the grant of Rs. 5,000 to the Tea Association, and Rs. 7,500 to the Indigo Association, and whether there was any precedent. The grant of Rs. 5,000 to the Tea Association is not a new matter. This is the second year of the grant which is given for three years, for the purpose of assisting the Planters to obtain the services, at an estimated cost of Rs. 18,000, of an expert who will be able to investigate matters relating to the cultivation and manufacture of tea. The grant of Rs. 7,500 to the Indigo Association is also for three years, and it is to enable them to obtain the services of a Biologist, was granted in order to enable the Planters to obtain a Biologist whose services, so the experts consulted by Government considered, would be of great advantage to the industry.

"With reference to the remarks of the Hon'ble Mr. Bose under the head of 'Emigration' and his enquiry as to the state of things which led to the increase in the past, and whether there is any likelihood of any improvement in the future, I can only say that the amounts are entered after knowing the needs of the Colonies. I have now, Sir, I think, furnished replies on all the points concerning which information was desired."

The Hon'ble MR. BUCKLAND said:—"As the burden of replying to the criticisms which have been offered will fall on the Hon'ble the Financial Secretary, I will confine myself to the observations that have been made in connection with the departments for the time being under my charge. The first subject to which I wish to invite the attention of the Council is based on the remarks which have been made by the Hon'ble Mr. Das as to the two-thirds'

rule. I am not quite sure that I heard all that he said, but, so far as I understood, I think he raised a question with regard to the Statutory Civil Service, and he referred to some passages in the report of the Public Service Commission of the year 1887. A great many things have happened since then, and this question has been often considered,—‘Whether natives of India who fill the appointments previously held by English or European officers should get the same pay’? It seems to me quite impossible to hold out any hope that any change will be made in the system of the two-thirds’ rule, which has now obtained for a great many years past. No doubt there are some officers in the country, such as High Court Judges, who receive the same pay whether they are natives of India or Europeans; but the main principle has been accepted that Rs. 1,000 a month paid to a native of India goes quite as far as Rs. 1,500 a month to an English officer. There is no reason why a native officer should receive the same pay as an European for doing the same work in India. The question may be regarded in another way: when any European officers are deputed on duty to Europe, they only receive two-thirds of the pay they were receiving here; therefore I can hold out no hope that the cry raised with regard to the abolition of the two-thirds’ rule will meet with any consideration.

“I will not follow the remarks of each individual speaker, but I propose to take them up in groups, and to deal with those relating to each group at a time.

“I will first deal with the observations made with regard to the scheme submitted to Government about the improvement of the Executive and Judicial branches of the Provincial Service. An entry of Rs. 1,40,000 has been made in the Budget for this purpose, and on the following grounds:—A scheme for the improvement of the Subordinate Judicial Service has been under consideration for the past two or three years, and this year there seemed to be a hope of some conclusion being arrived at; so that the sum of Rs. 40,000 was first put in the Budget for the purpose. But, as at least one Hon’ble Member in the room knows, in the course of last year a memorial was submitted to Government for the improvement of the Subordinate Executive Service, praying that something might be done when the finances come to bear a more flourishing aspect, and as the memorial came to be examined, it appeared that some remedial measures were required; the opportunity was then taken to enter in the Budget a lakh of rupees for the improvement of the Subordinate Executive Service. It was then that two schemes for the improvement of the two Services were proposed by this Government. I cannot at this moment enter into the details, because it was only on the 12th March that the schemes were submitted to the Government of India, and it would be quite inconsistent with official procedure to disclose the schemes; but I can go so far as to say that these will, if sanctioned, entail an annual expenditure of about two lakhs of rupees, and the sum of Rs. 1,40,000, which has been entered in the Budget, means the amount which is likely to be spent in the course of this official year if these two schemes receive the sanction of higher authority within a reasonable time. The Rs. 1,40,000 is just a little over two-thirds of the two lakhs for which we have asked, and if we obtain sanction somewhere about July, it will meet the expenditure which will be incurred in the course of the year. It has been noticed that Rs. 40,000 only has been allowed the Judicial branch, and one lakh to the Executive. I do not anticipate that, if the two schemes are sanctioned together or one before the other, there will be any difficulty in making a re-adjustment, though I cannot, of course, bind the Financial Secretary or His Honour in making this remark; but I have little doubt that something like that may be done, as money is available.

“The next subject is one which was referred to by the Hon’ble Babu Surendranath Banerjee when he pleaded the cause of the Sub-Deputy Collectors. Up to 1895 Sub-Deputy Collectors were allowed to go up for the examinations for Deputy Collectorships, but, in 1895, Government saw reason to stop this practice, and, since then, only a limited number of Sub-Deputies have been allowed to become Deputies by appointment. But I ought to add that every Sub-Deputy must know perfectly well that, if he exerts himself and deserves well of his superior officers, he stands a very good chance of

being recommended for promotion. It is within my own knowledge that last July the Board of Revenue were specially asked to submit the names of ten Sub-Deputy Collectors who were qualified to be appointed Deputy Collectors. They submitted ten names, and four out of these were immediately appointed, and only quite recently four more of them have been appointed Deputy Collectors in the last grade. That accounts for eight out of ten, and one of the other two has not passed the required examinations, and is therefore not qualified. One more remains to be selected when the next batch of promotions takes place. Also at this time of the year the examination is held for the Provincial Service, and some Sub-Deputies will be appointed by selection as well as the Deputy Collectors appointed by examination. These gentlemen have before them the chance of being appointed Deputy Collectors in the same way as at present. The whole matter of the Provincial Service has for years past been well considered, and promotions have been made with greater regularity. For some time the Provincial Service has been suffering from the enormous over-admissions of a previous period. From 1891 to 1896, 175 men were taken in; that is, at the rate of about 35 a year. I was looking at the figures the other day, and I saw that, during the last four years, it has been possible to bring in only 26 recruits to the Provincial Service. The result of the over-admissions was that we had for some time a long list of so-called probationers. The number has been greatly reduced since the re-organization of 1899: there are not in the probationary grade now more than 7 men, and if these new schemes, which I have alluded to, are sanctioned, it will in future be possible to admit more men annually to the establishment by examination.

"I will now pass on to the remarks that have been made with regard to the Police. It will be within the recollection of the Council that the Committee who sat in 1892 made a number of recommendations which would cost Rs. 7,00,000 in the aggregate, and the Government has ever since 1892 been working on the lines of these recommendations. For some years the number of Sub-Inspectors have been steadily increased, in accordance with the recommendations of the Committee of 1892. They recommended that Sub-Inspectors should be increased by 717, that is, about 68 a year. Provision has been taken in the Budget for Rs. 28,000 to meet the cost of turning 68 Head-Constables into Sub-Inspectors. I believe I am correct in saying that this plan of turning Head-Constables into Sub-Inspectors will be completed next year or the year after. At the same time, of course, the number of Head-Constables is to be considerably reduced, viz., by 655 in all, and the number of Constables has been largely increased. When I say that the policy of the Government has been to work upon the Committee's recommendations, it is impossible to say how far the Police will be altered in the near future, as there are always proposals and suggestions in hand for improvements in the Police.

"The Hon'ble Babu Surendranath Banerjee mentioned that he would like to see a Detective branch in connection with the Mufassal establishment. Now, this is a question of policy on which I am unable to give him any information, because, being a question of policy, it has to be carefully considered, especially with reference to the question whether there should be a Detective establishment in each district, or whether, as I understand is done in Scotland Yard, there should be a Detective establishment at head-quarters, from whence men would be available to be sent out whenever it becomes necessary for an intricate or important case to be investigated? I understand from something I have seen elsewhere that the Government of India is rather inclined to the latter view, but at this moment nothing more can be said on the subject.

"The Hon'ble Mr. Bose made allusion to the provision made in the Police Budget for four probationers in excess of the present scale. The second grade of Assistant Superintendents and the probationers were some time ago amalgamated. There are now 30 of these gentlemen, and as 23 is the sanctioned number, this grade contains 7 in excess. Some of them will be absorbed in the course of next year, so the Accountant-General has insisted upon provision being made in the Budget for four of them in excess.

"The same Hon'ble Member has also referred to certain expenditure under 'Contingencies.' I have found that, in the Eastern Railway Police system, the sum entered is the same as that in the sanctioned estimate of last year, and in the Bengal and North-Western and Tirhut State Railways the sum put down for Contingencies is Rs. 483 less than last year.

"I will now turn to the subject of Jails. It has been pointed out that the charge for superintendence is larger this year than it was last year; but the explanation is very simple. The officer who at present fills the post of Inspector-General of Jails was only acting last year. He has now been confirmed, and his pay is therefore larger. There is also another item—the pay of his Personal Assistant—which has also risen in due course, and there is a larger provision under the head of 'Travelling Allowance.' The increase under the head of 'Contingencies' is accounted for by higher rates, rents, taxes, servants, postage stamps, furniture, &c.

"As usual some observations have been made about the diet of prisoners. It need hardly be said that the food allowed to prisoners depends much more on sanitary considerations and upon the Jail Superintendents and the Doctors than upon the money available in the Budget, and I have no reason to suppose that the standard diet which has long been in force in Jails is otherwise than a healthy one, or that it should be increased in any material respect. The Chief Secretary last year, Mr. Bourdillon, made all the remarks that can be made on this subject. It is a well-known fact that prisoners actually increase in weight when in Jail, and, in individual cases, they have all reasonable comforts provided when they are sick.

"The Hon'ble Mr. Elworthy has referred to the subject of Jail Manufactures. The principles upon which Jails are allowed to manufacture have long since been laid down by the Government of India. They make things chiefly for the use of other departments; for instance, to provide cloth for the police and chakildars and for the warders and other departments of Government. Beyond that they are allowed to sell their surplus stock, to a small extent, I think, it will be admitted, of certain goods which may otherwise be bought in the bazar. The figures before me show that the total value of their outturn is about 19 lakhs, of which 14½ lakhs represent the value of the goods supplied to other departments, whereas their cash sales to the public represent about 4½ lakhs. The Hon'ble Member asked to be provided with a list of articles manufactured in Jails in Bengal. I hold in my hand a pamphlet which gives all the information he wants, and he can obtain a copy at the small charge of 8 annas. A number of the articles obtainable from Jails are of common and domestic use, but the list is swelled by a number of other things for which there cannot be any great demand. Any one who wishes can provide himself with a new pattern triangle at the small cost of Rs. 73, or an European automatic drop gallows of the latest Alipore pattern for a sum of Rs. 328. I hardly think he would care to invest in any of these things, or even a new cooking-range for a thousand men. This pamphlet gives a list of all the articles which the Jails manufacture, but there is no intention whatever to aim at underselling the public trader. The principles laid down by the Government of India are borne in mind by the Jail Department.

"The Hon'ble Babu Boikanta Nath Sen made a suggestion with regard to the Registration Department. I fully expected to see my friend opposite—the Inspector-General of Registration—jump out of his seat when the Hon'ble Member proposed that this Department should be made over to the District Boards. I have never before heard the suggestion made, and have grave doubts whether it will ever enter the field of practical politics. The surplus of the Registration Department, which is nearly three lakhs, is absorbed in the general revenues. Before that could be made over to the District Boards, it would be necessary to be sure that the Department could be worked or administered by a District Board. I personally fail to see how it could be done, and I cannot hold out any hopes that the suggestion will meet with any consideration.

"Then as regards the remarks made with reference to Law and Justice. The Hon'ble Mr. Bose called attention to the increase in the Mufassal of Rs. 11,700. The simple explanation is, that provision has been made to establish a Government pleadership in Champaran and for a larger sum for fees

to pleaders in Criminal Courts. It is under the same heading that the Hon'ble Babu Surendranath Banerjee made reference to certain contingencies amounting to Rs. 1,200. The explanation is, that this sum is entered in the Budget to meet the increase in rents and taxes.

"The only other remark which I have to make is with respect to Munsifs' residences. This is an old subject, it was brought up in debate in this Council some years ago, and has been constantly alluded to. Some years ago a programme was prepared for the construction of 18 Munsifs' residences to be constructed in some outlying districts in order of urgency. In the Budget for 1900-1901, a sum of Rs. 15,000 was provided as sufficient for four residences. Steps were taken in connection with nine buildings. There was an extra grant of Rs. 10,000 in 1900-1901, but part of the money was diverted, and after various changes the final allotment was of Rs. 17,607 for nine works. There has been delay arising from various causes. At the present moment there are nine works in progress, some are actually well-advanced, and in others the Public Works Department have only lately got hold of the land. This year the allotment on the Budget is Rs. 27,500, which should suffice for these nine residences in hand and for four more to be taken up. I cannot promise that, at this time next year, these will have been completed, but at any rate the work is in progress, money has been allotted, and it depends on the energy with which the Public Works Department (always, supposing that obstacles are not put in the way by the alteration of plans) spends the money allotted in this year's Budget.

"The only other subject to which I have to refer is, that which was touched upon by the Hon'ble Babu Boikanta Nath Sen, about structural arrangements being made in the offices attached to Judicial Courts. The Hon'ble Member seems to think that the public have a right to enter Government Offices whenever they like, whether the Government like it or not. I must point out that these offices are the offices of Government, and the Government have a perfect right to keep out of them all outsiders, whether they are pleaders, or mukhtears, or barristers of the High Court, or any one else who is not in Government employ. Would any merchant or attorney allow any member of the public to come into his office at will and tamper—I use the word 'tamper' advisedly—with the records there or the clerks at work in his office? It is the object of Government to try and put down, as much as possible, the tampering and corruption which are well known to prevail in these offices: these orders have been passed with the best of motives; and to deal effectively with the prevailing corruption, it will be of no use to take half-measures. Therefore, the other day I said from my seat here that, as soon as possible, orders would be issued for structural arrangements to be made in all judicial offices to exclude all but the person employed in those offices and to provide facilities outside the offices for those who have legitimate business with the sarishtadar, or for pleaders who have a right to look at records under certain conditions in certain cases, or for other persons requiring information. I have taken the earliest steps to redeem that promise, and a Circular will be issued calling upon Judicial Officers to make suggestions. I was sorry to hear the Hon'ble Member say that these orders would lead to a more impure state of things, and it seems to me an unusual ground to take, to say that, where corruption would be more difficult and more costly, there would be more of it. I should have thought that the economical argument was the other way, and that, if it can be made more costly to corrupt the Court *amla*, there would be less corruption. So far as the Government are concerned the orders will be issued and the structural arrangements made in due course of time. This concludes the list of subjects with which I have to deal on behalf of Government."

The Hon'ble MR BAKER said:—"In winding up the debate on the Budget last year, you observed, Sir, that not in your time would the Lieutenant-Governor enjoy those ample balances which had been the privilege of former times; and you impressed upon us the warning that the resources of the Province must be husbanded and expended with the greatest circumspection. On the necessity for economy and circumspection I need not dwell at present. They are as imperative now as they have ever been in the history of the Province, although most of the gentlemen who have addressed us, advocating

measures of expenditure, have apparently lost sight of it. But I venture to think that the Budget, which has been discussed to-day, affords good ground for the hope that days of renewed prosperity are not far distant. Three years ago, immediately after the Famine year 1897, when the Budget for the year 1898-99 was laid on the table, it was seen that there was an opening balance of only Rs. 5,39,000. During the three years that have elapsed since then, this cash balance has risen to over Rs. 42,00,000, notwithstanding that, during this period, we have had to spend over 13 lakhs on plague, 12 lakhs on earthquake repairs, and 14 lakhs for the protection of Darjeeling. Bengal is no doubt less fortunate than Burma, where the Local Government is unable to find objects on which to spend its enormous accumulations, and where the budget grant for Public Works is 88 lakhs as compared with 45 lakhs in Bengal. But if we are not absolutely rich, we have at all events enough to justify us without improvidence in embarking on a certain number of modest, but useful projects to meet the growing requirements of the Province. These projects have been enumerated in the Financial Statement, and I need not recapitulate them. They have been referred to in the discussion to-day with general approval. But, as usual, the Hon'ble Members who have addressed us have had no difficulty in bringing forward a long list of other schemes to be pressed upon our consideration. Some of these are new schemes and others are old acquaintances brought forward on the Spencerian principle, that varied iteration is the only means by which alien ideas may be enforced on reluctant minds. I shall refer to one or two projects of both classes, omitting those which have been dealt with by the other Secretaries. Amongst the first class of new projects which I shall touch upon, I think the foremost place may justly be claimed by that which was brought forward by the Hon'ble Mr. Sutherland, and afterwards referred to by several other speakers. I mean the proposals with regard to the opening out of congested areas in Calcutta. The Hon'ble Mr. Sutherland and some of the other hon'ble gentlemen who addressed us have expressed disappointment that no allotment for this work has been made in the Budget, and they comment on the delay that has taken place since the Building Commission of 1897 submitted their report; and I am very glad to have this opportunity of explaining generally how the matter stands. The Building Commission sent in its report at the end of the year 1897. It was a very long, very elaborate, and a very important report, and it included, among many other matters, proposals for revising the Building Law of Calcutta. That part of the subject was taken up first, and dealt with in connection with the Calcutta Municipal Bill; and when that Bill was put into shape by the Select Committee of this Council, the other part of their recommendations was taken in hand. Government have by no means been idle. All the chief difficulties of the scheme centre round the question of finance. A scheme to drive a series of first class roads through the heart of Calcutta, through the most crowded parts of the town, where the need for them is greatest and the cost of land is high in proportion to the overcrowding, is a scheme the cost of which must necessarily be enormous. I understand that in London, the great road from Holborn to the Strand is estimated to cost over £4,000,000 sterling, but by the application of the principle of recoupment, the London County Council estimate to reduce the net cost of the scheme to something like £100,000. No such result can be hoped for in Calcutta. According to the best estimates, the cost of the full scheme which was put forward by the Building Commission for 15 miles of road, will not be less than 2½ crores of rupees, and to devise a satisfactory method of providing this vast sum, without imposing too heavy a burden on the people, is a task of great difficulty, and one that requires anxious consideration, for the greater part of this sum will have, in some form or another, to be provided by the people of Calcutta. The Hon'ble Babu Surendranath Banerjee and the Hon'ble Mr. Apcar appear to have had it in their minds that the greater part of the cost of the scheme is to be borne by the Imperial Government. That is not correct. The people of Calcutta are those who will benefit most by the scheme, and it is only just and proper that they should pay their full share. It is my personal opinion that Calcutta has a claim on the Imperial Government for some measure of assistance; but at all events, the lion's share of the cost, not

less than four fifths of the whole, must be provided by the people of Calcutta. For the last two years we have been in active correspondence and communication with the Government of India and the Secretary of State on this subject as to the best means of financing this scheme. This correspondence is not yet complete, and I cannot, I am sorry, take the Council into our confidence at present as to the precise nature of the proposals put forward, but I think I may go so far as to say that there are good grounds now for the hope that we have at last threshed out a scheme of finance, and that we are on the eve of effecting an agreement for the provision of the necessary funds in a manner which will be equitable to all parties, and the best practicable in the circumstances. In any scheme so large as this, progress must necessarily be slow. Even if the large sum required were available at once, it would not be possible to carry out such a scheme for several years, and where the money has to be raised gradually, it is scarcely possible that there shall not be considerable delay. It is inevitable that at least 8 or 9 years, or perhaps more, must elapse before it can approach completion. But in the meantime we are hopeful that a beginning may be made and the work started before the necessary legislation is taken in hand. His Honour the Lieutenant-Governor trusts to be able to start work in anticipation of the necessary legislation at an early date.

"In this connection, I should like to refer to a remark which fell from the Hon'ble Mr. Sutherland, with regard to giving Calcutta a second lung in the form of a *maidan* at Tollygunge. I entirely agree with what he said on that subject now, and also with what was said by the Chairman of the St. Andrew's Dinner. I agree, especially as this work, if taken up, will be not only a farsighted proceeding, but it will also be comparatively inexpensive, and because it is inexpensive, it is incumbent on the Corporation to do it.

THE GENERAL HOSPITAL.

"I now turn to the remarks made by the Hon'ble Mr. Sutherland with reference to the General Hospital. He wished to know how much of the original project had been carried out, and how much had been spent as compared with the original scheme, and he referred to the paying patients block, and expressed the hope that an entirely new building, equipped with all modern appliances, would be provided. This matter stands in the following position:—In 1896 the Committee, presided over by Mr. Risley, drew up a scheme for the re-modelling and re-construction of the entire hospital. The estimated cost was 22 lakhs, but immediately after the estimate was prepared and before the work could be taken in hand, there occurred the Famine of 1897, and all work had to be temporarily stopped for want of funds. In 1898 it was taken up again, and it was speedily found not only that a number of necessary items in the original scheme had been omitted, but also that the provision made for several of the larger works was also inadequate. When the revised estimates for the whole scheme were worked out, they were found to come up to 33 lakhs of rupees. There was no possibility of providing this sum, and therefore it became necessary to re-cast the whole scheme. Up to the end of March last we have spent in all Rs. 14,82,000 on this work in three years. Of that sum the Local Government has provided half, and the Government of India the other half. The works which have been practically completed are, first of all, the new block for males with which I think the Hon'ble Mr. Sutherland is acquainted; the main kitchen; the Nurse's quarters; land for the whole scheme; land also for the quarters of the Superintendent, the subordinate staff and servants; furniture for the hospital, and a beginning has also been made with the infectious diseases block. We have not built the proposed Female block, nor the Administrative block; we do not propose to construct a dairy, and there has been some delay in the construction of the quarters for the Subordinate Staff. Most of these works, I think, may be regarded as capable of postponement. As regards the paying patients' block, which it has been decided not to proceed with at present, I think the Hon'ble Mr. Sutherland will desire some further explanation. The reason why we considered that the construction of that block should stand over is, that the existing block for paying patients is capable, in the opinion of the Engineers, of being re-modelled and improved, after which, though it would be very far from perfect, it will suffice for a number of

years to come. We propose to convert the double rooms on the upper storey into single rooms for each patient; we propose to divide the large ward on the second floor into a series of single rooms, and we propose to re-furnish the whole block and provide it with electric fans. In this way we shall obtain a very large saving on the original estimate, which was for 4 lakhs of rupees. If, however, it should be possible to obtain subscriptions from the local public, I am in a position to say that the Government will be ready to re-consider their proposal: what work will then be undertaken will depend upon what contributions are paid by the community. A certain sum can, in all probability, be obtained indirectly by acting upon the three suggestions made by the Hon'ble Mr. Sutherland to-day. I refer to what he said about the Hospital Port Dues Fund. His recommendation was, that Government should take steps to put into force the proposals put forward by the recent Committee appointed to inquire into the Port Trust. These were three in number. One was that half the cost of the Port Health Officer should be paid by Government, instead of the whole being borne by the Hospital Port Dues Fund. The second was that the rate of Hospital Port Dues should be reduced to such a figure as would be just enough to meet the expenses debitable to the fund. The third was that the accumulated balance of Rs. 1,14,000 should be applied to the New General Hospital. I think it may be possible to give effect to this last suggestion, so that a portion of the funds for the new paying patients block can be indirectly provided in that manner. As regards the other recommendations which have been made by the Committee of Enquiry into the Port Trust, I agree with them, for the same reason that the Hon'ble Mr. Sutherland agrees, with the remarks of the Chairman of the St. Andrew's Dinner.

LOANS TO MUNICIPALITIES.

I now turn to the suggestion of the Hon'ble Babu Surendranath Banerjee with regard to Loans to the Riparian Municipalities, to enable them to carry out a scheme of water-supply. The Hon'ble Member is under a slight misapprehension. The Budget we are discussing is the Revenue Budget; the Loans Budget is an entirely different matter, and it does not fall within the scope of our present proceedings, but as the Hon'ble Member has taken great personal interest in this matter, and as it is one of great importance, I should like to assure him that we have made provision in the Loans Budget for this purpose. Originally we provided 5 lakhs to enable Riparian Municipalities to carry out a scheme of water-supply, but unfortunately it was struck out by Government on account of want of funds; but in view of the importance of the project, we re-cast our Loans Budget and we have been able to provide two lakhs of rupees for this purpose, and although this is very much less than will be necessary to carry out the entire scheme, it will enable these Municipalities to make a beginning.

BURNING-GHATS.

"There is one more of the new proposals which—I wish to refer to before I turn to the older projects which have been brought before this Council, and that is the suggestion made by the Hon'ble Babu Boikanta Nath Sen, that the Government, which is providing cemeteries for Mahomedans and Christians, should do something in the way of providing burning-ghats for Hindus. I am afraid I cannot accept the suggestion. The Burial Boards, both Mahomedan and Christian, are excluded local funds. They deal exclusively with Calcutta; and it is because they are excluded local funds that such grants as we have to make to them are specified expressly in the Budget; but in the case of burning-ghats, there are no such funds. Burning-ghats are entirely in the hands of Municipalities, both in Calcutta and in other Municipalities. Any grants given for the purpose of assisting Municipalities to construct a burning-ghat, or for any other purpose would appear as a contribution to the Municipalities. Nor can I admit that there is any obligation on Government to assist Municipalities in this matter; it is one for which they must provide themselves.

SALARIES OF MINISTERIAL OFFICERS.

"Now I turn to the remarks in connection with the salaries of ministerial officers. The Hon'ble Babu Surendranath Banerjee has quoted certain remarks I made on this subject in Council two years ago. To what I said then I altogether adhere now. I regard the question as one of great importance, which will have to be faced and considered in a sympathetic spirit. But when we came to consider whether the increase should be given on the present occasion, we had to weigh the relative claims of several other projects which are before us, and the conclusion we came to was that this particular one must wait. It would have cost a large sum of money, not less than Rs 4,00,000 a year. It was recurring expenditure, which once incurred becomes permanent and irrevocable. It was doubtful whether the Government of India would sanction it, affecting as it must the scale of salaries in other Provinces. We felt that the benefits to the Province and the intrinsic necessity of the other schemes were greater. We could not, for instance, give this proposal priority over the additional grants to District Boards, and I should have been sorry to see such measures as the improvement of the Provincial Civil Service, or the Provident Fund for Teachers, shelved to make way for it. But Hon'ble Members may rest assured that it is not lost sight of, and that it will be taken up when a suitable occasion arises.

GRAIN COMPENSATION ALLOWANCE.

"As regards grain compensation to menial servants, we will give this allowance where necessary. One or two applications have been received, and the matter will be considered and dealt with in the ordinary course. Last year we gave these allowances in the districts of Chota Nagpur and one or two other places, and this year, if it becomes necessary to do so, you may be sure we shall do the same. Full provision is made in the existing rules for the grant of compensation for the dearness of food when the price of their staple rises above a certain figure. I cannot admit that these officers have any claims to further concessions.

VILLAGE WATER-SUPPLY.

"Then there is that hardy annual, the Water-Supply. On this point I can do little but repeat what I have said on previous occasions. Government fully sympathise with the desire of so many Members of this Council, that the people in Bengal should enjoy the advantage of a pure water supply, or, at all events, some sort of supply; but the task is one for the people themselves to undertake. The Government can no more undertake to supply pure water for the whole rural population, than it could supply the same population with food, clothing or employment. What is wanted is not so much new tanks, as that existing tanks should be re-excavated. If the villagers will only combine to provide the labour, and if landlords and zamindars will sink their personal quarrels and make their tanks available, I am certain that the greater part of those difficulties and these complaints will disappear. In the meantime, District Boards are doing their share of the work. During the last five years their average expenditure has exceeded a lakh of rupees a year. The Hon'ble Mr. Bose has pointed out that this expenditure falls short of the minimum payment of five thousand a year, which the Government some years ago directed should be spent by each Board. The only reason I can give is, that the resources of District Boards have been unequal to the task. The resources of many Boards were exhausted in dealing with the famine, and they have not had funds to spare for work of this description. I cannot undertake to do what the Hon'ble Babu Surendranath Banerjee suggested, viz., earmark any part of the new grant to District Boards for water-supply; but at all events it will be manifest that, with the additional grants it will be possible for the Boards to comply with the order passed five years ago that Rs. 5,000 are to be spent on this object every year. The Hon'ble Mr. Bose has asked that the Registers of sources of water-supply may be produced, but I do not quite see what use can be made of them. My impression is that these Registers are useless. I am certain that an enormous amount of labour and a good deal of expense would be

required in preparing and printing them, and I do not see what practical uses will be made of them.

"As regards District Magistrates exercising their influence to promote the excavation of tanks, all I can say is that the influence of every District Magistrate is being constantly exercised in this direction.

"As regards legislating to get possession of lands, I am not prepared to recommend legislation for such a one-sided purpose.

PROVISION FOR PLAGUE.

"And now I turn to various remarks of Hon'ble Members, which do not involve expenditure. In the first place the Hon'ble Mr. Elworthy, in the course of his interesting speech, expressed a doubt whether we were not spending somewhat too much. He pointed out that the deficit for the year was Rs. 22,00,000, that being the amount by which the expenditure exceeded the revenue of the year, and he doubted whether sufficient provision had been made in the Budget for plague and famine. I think I can re-assure the Hon'ble Member. In the first place, our revenue for next year has as usual been estimated with caution. In some items, such as Assessed Taxes, it has, I believe, been placed distinctly too low. I have here side by side the figures showing the Budget estimates of revenue for each year since 1895-96, and the actual revenue of the year. In each year of the series the actual excess over the Budget has never been less than 10½ lakhs, and the average betterment during the period has been 15½ lakhs. Therefore I think we shall certainly find that our cash balance at the end of the year will be nearer 30 lakhs than 20. Then, again, out of the 22½ lakhs of excess expenditure, at least 12½ lakhs are non-recurring, and there is only a comparatively small part of the whole which is recurring expenditure. I have drawn up a statement showing how much is recurring and how much is non-recurring. The only items of recurring expenditure are the grant for the Provincial Civil Service Rs. 1,40,000, that for the Provident Fund for Gurus Rs. 2,25,000, the Dairy Farm at Pusa Rs. 46,000, and that for Plague Camps, Rs. 65,000, which gives a total of Rs. 3,76,000 which will become permanent. To this we may add the Rs. 4,80,000 which we propose to give to the District Boards. I should be sorry to see this reduced or withdrawn, but we have most carefully guarded against any undertaking to make it permanent, and we could withdraw it, if necessary. I would remind the Council, as I did on the 30th of March last, that it is not open to the Local Government, under the present system of finance, to alienate any portion of their revenue, and we can make no promise to the District Boards that this Rs. 4,80,000, or any part of it, will be continued next year until we see our way clearly. It is not a final settlement of the question, but only a temporary arrangement, pending the revision of the Provincial Contract, which is due at the end of the present year. As regards the provision for plague or famine, it is true we have made no provision for famine. It is not usual to do so, unless there is some indication of scarcity, which happily is not the case at present. And, moreover, under the orders of the Government of India, passed in 1882, we are not required to provide a reserve on that account. As regards plague, we have provided Rs. 5,65,000, which is Rs. 2,80,000 more than we provided last year. I am in the hope that this provision is ample, but in the event of it not being so, we have a further reserve under Contributions of Rs. 2,84,000, which can be made available and applied to this purpose, and if the need is still greater, we shall find whatever may be necessary by making retrenchments or by postponing expenditure elsewhere.

EXCISE AND LOCAL OPTION.

"The Hon'ble Mr. Bose, the Hon'ble Babu Surendranath Banerjee and the Hon'ble Babu Boikanta Nath Sen have made remarks on Excise matters, and the Hon'ble Mr. Bose dwelt upon the question of local option. As regards the latter, it does exist to this extent that under a rule passed ten years ago, Municipal Commissioners in Mufassal Municipalities are entitled to be consulted as to sites of liquor shops. That rule is by no means a dead-letter: it is constantly enforced, and wherever the views expressed by them appear reasonable

they are given effect to. Beyond this I do not think it would be right or proper to go, and the ultimate decision must rest with the Revenue Officers. I can hold out no expectation whatever that the provisions of section 84 of the Bengal Excise Act will be put in operation. I know of scarcely any body of persons so little fitted by constitution, knowledge or interest to control the granting or withholding of Excise licenses as the average Mufassal Municipal Committee. They may be representative of a particular class or section of the community. But that class is certainly not the class which is interested in the sale of excisable articles. By entrusting Municipal Committees with licensing powers, we should subject the consumers of liquor or drugs to a class tyranny of the worst kind. They would possess power without responsibility, and having no financial interest in the result, they would be under the constant temptation to earn a cheap reputation for vicarious temperance at the cost of the general tax-payer. The Hon'ble Mr. Bose said this difficulty could be met by giving the Committees a share of the Excise Revenue, or by making it incumbent on them to raise a minimum sum. I can imagine the Hon'ble Member indulging in a covert smile when putting forward this proposal. But I do not think that he expected that it would be taken seriously. The control of an important branch of Government Revenue must remain in the hands of Government Officers. I do not propose to follow the Hon'ble Member in his dissertation on the Excise Administration of Bengal. This subject has been discussed threadbare already. The whole question was carefully and exhaustively considered in 1888-89 under the orders of the Government of India, and the conclusions arrived at by the Government of India and the Secretary of State, have been published in the Gazette. The policy then laid down has governed the action of the Bengal Government ever since. The distillery system is in force in the Presidency, Burdwan, Dacca, Chittagong and Orissa Divisions (except a few outlying tracts) in the Sonthal Parganas, in parts of Chota Nagpur and in all the large towns of Patna and Bhagalpur. The out-still system is in force in the remainder of the province for which it is best suited. That it has led to increase of drinking I totally deny. The other day Maulvi Wajid Hossein, who has served for 20 years in Patna, assured me he could see no difference in that respect now from what he saw 20 years ago. Persons who know the people of the adjacent districts of the North-West Provinces, Benares, Goruckpur, and Mirzapore, as well as those of Bihar, state that there is not a pin to choose between them in this respect. Yet the former have the distillery system, while the latter have the dual, or Patna system. And in the North-West Provinces the total number of liquor shops is very nearly double the number of out-stills and distillery shops in the whole of Bengal taken together, in spite of the greater area and larger population of this Province. There has been no abnormal increase of Excise Revenue. It has risen by only 13½ lakhs since 1893-96, or at the rate of 2 per cent. per annum. The Hon'ble Mr. Bose said that prosperity was only one cause of the rise of Excise Revenue, and he rejoiced that the constituency which he represents, judged by this standard, was not prosperous. He is quite right. There is another factor which affects the Excise Revenue, and that factor is the drinking habit or the drug-consuming habit of the people. Where Muhammadans predominate, very little liquor is drunk; the greater part of the country liquor is consumed by Hindi-speaking people; and where Bengalis predominate, the use of drugs is in the ascendant. I may mention that these different peculiarities of different communities are set forth in the very report from which the Hon'ble Member quoted. Differences of this kind make it difficult to compare Bengal with Madras and Bombay, and still more to compare Bengal with England.

"Then with regard to the reduction of Still-head duty, few questions are more difficult than to accurately adjust the Still-head duty to the precise pitch which will not drive people to illicit distillation. That is one of the objections to the distillery system. Every suggestion to raise or lower the rate of Still-head duty is most carefully considered by the Board and Excise Commission. Our general tendency is to raise it and not to reduce it."

"The Hon'ble Babu Surendranath Banerjee referred with some indignation to the fall in the price of *ganja*, and he seemed to hold that in some way

or other the Government were responsible for this. The Government is no more responsible for this than for the variations of the seasons. The cause of the fall in the price of *ganja* is the fact that in the previous year the season was favourable and the crop was an unusually large one. In 1898-99 the total yield was 5,417 maunds, and in the following year it went up to 7,551 maunds, giving an increase of nearly 50 per cent. over the previous year. Government cannot regulate the retail price of the drug which must fluctuate according to supply.

"Then the Hon'ble Member in referring to the explanation given with regard to the Opium Revenue, said he was unable to accept the suggestion put forward in the Financial Statement that it was due to the increased prosperity of the people. I think it is a pious belief of the Hon'ble Member that no increase in the Excise Revenue can ever be due to increased prosperity. He thought that we might take credit for suppressing smuggling, which he thought accounted for the increase. I hope the Hon'ble Member is right in thinking that the increase is due to the suppression of smuggling. But I fear not. Much of the increase comes from Calcutta, and there is reason to fear that smuggling to Burma and Chittagong is on the increase. As regards the other details, I have taken notes of the information asked for, and I will furnish the Hon'ble Members with it privately. There is, however, one point in connection with distribution of the grant to District Boards, which I will touch upon.

FEEDER ROADS IN ORISSA.

"The Hon'ble Mr. Das made an appeal to us, that in making the distribution the Government should bear in mind the question of Feeder Roads in Orissa. This is a matter in which Government has a large interest. Only a month ago we gave over Rs. 17,000 to the Balasore District Board for the construction of feeder roads. We are fully alive to the fact that the East Coast Railway will not be complete unless feeder roads are provided, and the Hon'ble Member may be sure we will give to his division the full share which is its due.

"In conclusion, I beg to express my acknowledgment to those Hon'ble Members who facilitated our task by giving previous notice of the points they were going to raise."

The Hon'ble THE PRESIDENT said :—"I am not surprised at the chorus of satisfaction to-day over the finances of the Province. It is a long time since any one could have called them satisfactory. The treasure chest was swept out by the Famine of 1866-67. As fast as it began to fill again, it was emptied by new misfortunes—misfortunes not so disastrous as befell our stricken neighbours in the Central Provinces and Bombay, but severe enough to prevent improvement on the ordinary administrative lines of Government. There was first the earthquake which cost us 12 lakhs, then came the plague, which has already cost us 22 lakhs. Last of all, the landslips at Darjeeling, which have cost us in the protection of the town and railway 14 lakhs. Thanks, however, to seasons of agricultural prosperity and to the stern and resolute character of my friend, the keeper of the public purse, we have emerged, for the time, into a period of cheerful surplus. Having got that surplus the question of course arose as to what we were to do with it. We have had a vast amount of advice, some of it excellent, some of it not. No conceivable surplus would ever meet all the delighted and sanguine suggestions that are made for its expenditure. But after hearing all that has to be said, I think that on the whole in the distribution we have done well. I will not repeat what the Hon'ble Mr. Baker has so well said, but these are one or two matters, in which I have taken a special interest, on which I should like to speak to you. The first is about District Boards. It has long been evident that they are starved. The revenues which are given them to administer are not sufficiently expansive. The ferries and pounds, whose income they receive, do not, under modern conditions, expand at all, and the local cesses are enhanced slowly and gradually. The result is that no new work is undertaken, or if it is undertaken this is done at the expense of those schemes, which the District Board was intended to, and indeed was bound to, maintain. No new roads, for example, are made, or if they

are made, the old roads are not kept in proper repair. In the great division of Rajshahi the mileage of unmetalled road has been actually reduced by 87 miles during the last five years. It was absolutely necessary that the District Boards should be helped out of their dilemma, and in an incautious reply to an address at Bhagalpur 18 months ago, I promised that relief should be given. In the Budget under discussion, that promise has at last been redeemed. The needs and the difficulties of districts vary, but the necessary enquiries as to the distribution were made in anticipation, and substantial help is now ready. The guarantee of help can only be given for the current year. With the next year will come a new financial contract, and on that contract will depend the future help we can give to the Boards. But the relations between the Supreme and the Local Governments are singularly like those of the Local Government with the District Boards. The Local Government complains, like the District Board, that the revenues assigned for its work are not sufficiently elastic to cover the growing and imperative wants of a growing community, and at every contract there is a scramble for the increased revenue which the Central Government has jealously reserved to itself. The Local Government complains like the District Board that it is starved, and urges with audacious persistence that the starving of it is in very truth the starving of the country. I venture to think and hope that these views are gradually receiving less opposition in the highest quarters, and if we have frankly admitted the claims of the District Boards, well we are only doing as we would be done by. If the conditions of the contract permit, our help to the Boards will be continued. The improvement of the communications is a most pressing want of the interior of Bengal. There is another question in regard to the District Boards, on which I should like to say a few words. We want to give them the means of doing more work. We have given them the means to-day. But the work they do must be better done. The reports on their public works made it necessary to have a Committee to examine them. The Committee found that the Public Works of the District Boards were, as a whole, badly done, and not only so, but very dearly and expensively done. The Committee recommended—and it was not a Committee of Public Works Officers alone—that we should revert to the old system, in which the District Engineers were part of the Government machinery of Public Works. To this I did not agree. Such a reversal of the policy of 1882 was impossible, except on proof that nothing else would suffice, and the real cause of the complaint about District Public Works was the absence of proper professional supervision. The Executive Engineer of the Government service is carefully supervised by a higher and more experienced officer of the department. But the superintendence of the District Engineer is confined to his Collector, and the occasional visits of an Inspector of Works within an area too large for him to efficiently traverse—an Inspector whose comments have been in too many instances, I have seen, entirely disregarded by the District Engineer and his Board. This must not be. With the help of the Government of India, the cadre of the Province has been increased by two Superintending Engineers, the circles of the staff of Superintending Engineers have been reduced to manageable dimensions, and the technical instructions they give to the District Engineers in the carrying out of the works ordered by the Board must be obeyed. The next matter in the Budget on which I should like to say a word is the institution of a Provident Fund for the masters of the primary schools. These men are practically Government servants. They are practically the only class of our servants for whom no provision is made for support in old age. I think they have the strongest possible claim on our help. They have an immensely important duty. On them rests the development of that primary education which is recognised as so essential to the progress of a nation. If they are active, it will flourish; if they are dull and despondent, it will not. This is of the greater consequence in Bengal, where we have laid the foundations of a Kindergarten system in the primary school, which is designed to arouse and foster the intelligence of the scholar, but which also demands intelligence and good humour in the teachers. In the Central Provinces we began the scheme of a Provident Fund, but it was scattered by the blasts of famine, and it is a particular satisfaction to me

that the circumstances of this Province have enabled us to make an actual start here. The improvement of the Subordinate Judicial Service has been a matter of long correspondence. The Secretary of State took one view; the Judges another. The plans we have submitted will, I think, give satisfaction to both. It has always been an axiom that the Subordinate Executive Service should be run on somewhat parallel lines. I think the axiom was a just one. The altered ease and dignity of a judicial career are traditionally attractive to the learned men of India, and if the Executive is to be maintained at the standard its critics expect and demand, its emoluments must be maintained at a fairly equal level. This principle has been followed in our proposals.

"There are other matters of the deepest interest, the Calcutta improvements for example, on which I have nothing to add—I regret to say it, to the remarks which have been made by the Financial Secretary on behalf of this Government.

"There remains one matter to which the Hon'ble Mr. Elworthy has called my special attention. I understand he wants any information we can give him as to the situation and the prospects of plague, specially in the city of Calcutta. Let me give you, as briefly as I can, the facts. In 1898, the plague began in April and culminated in June. The highest number of deaths in a week was 22.

"In 1899, it began in February and subsided in April. The highest mortality was 278 in the week ending 7th April.

"In 1900, the epidemic again began in February, again subsiding in April. The highest point was 990 in the week ending 23rd March. In 1901, it again began in February. It has again begun to fall in April. The highest point was 1,119 in the week ending 30th March. You will realise the extraordinary closeness of this periodicity more clearly from the charts which I have caused to be prepared for your information than from the figures I have given you. In each of the last three years there has been a strongly marked epidemic in the six weeks between February and April.

"What has been done to check or prevent this? In 1898 we began with segregation and inoculation. The segregation was of a different character from that hitherto tried. But you remember the wild stories, the wilder credulities, the panic and the exodus. Next year we tried disinfection. It was notably successful. The cases were few in which plague was found to have recurred in a disinfected house. It did not, however, prevent the spread of plague, and in the epidemic of 1900, three times as severe as its predecessor, we tried the disinfection of all the houses surrounding an infected house. In the interval of quiescence between May and December last, the Plague Officers of Calcutta, to whom I wish to pay a high tribute for patience, tact, and assiduity in their duties, succeeded in disinfecting every room of every bustee in the City. It was thus we faced the epidemic of 1901. The chart and the figures I have given you for 1900 exclude suspicious cases. Those for 1901 include them. If you include them in 1900, the number of plague deaths in the period, 1st January to 31st March, is higher by 106 than in 1900. The two epidemics were, therefore, identical in intensity. Was it due to the disinfection measures that there was no great increase in 1901? Opinions will, of course, differ, but I have myself no doubt on the matter. We know from Major Deane's report on the last epidemic, the immense value of individual disinfections. We have recent evidence as to the value of wholesale disinfection. The town of Gaya was attacked by plague in November last. It later spread to the district. The Calcutta plan was introduced in the city. In villages disinfection is impossible. Now these are the figures. Plague deaths for the week ending 1st December; City, 149, country *nil*. For the week ending 5th January; City 71, country 28. For the week ending 2nd February; City 22, country 318. For the week ending 2nd March; City 20, country 666. For the week ending 30th March; City 17, country 1,559. Under identical climatic conditions, the disease abated in the city as it grew in the country. In Patna city again and the rural area of the sub-divisions the figures are:—Week ending 1st December; City 101, country 22. Week ending 5th January; City 362, country 97. Week ending 2nd February;

City 458, country 243. Week ending 2nd March; City 132, country, 789. Week ending 30th March; City 47, country 1,289. Again, under identical conditions of climate, plague has fallen under disinfection, whilst it was rising where there was none. Lastly, the percentage of deaths in Calcutta is falling. This was the observation made to me the other day at the Campbell Hospital. It is confirmed by the figures given me by Major Deane. In 1900 the Plague Officers saw 948 living cases of plague. Of these there died or disappeared 715, or 75.5 per cent. In 1901 they saw in the same period 1,433 cases, of whom 972 died or disappeared, or 67.6 per cent. In most other forms of epidemic disease, a decrease in the mortality means a waning of the disease. As to the prospects of the future, no man dare prophesy. But the experiences of the past are hopeful. Possibly wholesale disinfection months before the arrival of the epidemic was not directly worth the cost. But the people who, a year ago, were strongly obstructive now co-operate with a good-will, which is gratifying to all who have to do with them, and the next epidemic, etc., will be more easy to meet.

"In the Mufassal, the spread of the disease has been very grave. The only measure you can successfully take there is evacuation. Wherever plague has already been, the people have learnt its value. In January last I travelled across the Patna and Gaya districts *via* Bihar, and wherever plague had appeared, the people were already in camp. In Barh and the Monghyr district the plague has been in consequence this year much milder. Villages that have become free have been re-infected by the too early return of the villagers, or by the admission of people from infected villages. Against these dangers the people are learning to guard themselves. But the difficulty of moving and persuading them is immense. And nothing has struck me more than the rapidity with which the disease spread in the rural areas of the district of Gaya, where the Collector, Mr. Oldham, has been more successful than any other officer in the Province in winning the co-operation of the people in his measures. Gaya presents a new feature. The people have taken evidently to inoculation. Wherever they do so, they shall be heartily encouraged. Its protective power, the period for which it protects, is still in much doubt, and the experiences in the Punjab and elsewhere show that, like every other measure we try, it is not a panacea. But it does undoubtedly do good.

"It is not to be denied that the prospects for the next winter in the Mufassal are most serious. If the villagers will only help themselves, the remedy is in their own hands. The people of the Kumaon hills, to whom plague is familiar, stop it at once by leaving their houses. So can the people of Bengal, and in many parts they have now found this out. The District Officers and their staff in the infected areas have had a tremendous task. Their labours are not yet over. I apologise to the Council for this long speech; after all it is not longer than some of those to which we have listened with interest. I congratulate the Council on a debate of more spirit than in the circumstances I expected."

The Council was then adjourned *sine die*.

CALCUTTA;
The 4th June, 1901.

F. G. WIGLEY,
Secretary to the Bengal Council and
Assistant Secretary to the Govt. of
Bengal, Legislative Department.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, FEBRUARY 13, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 8th February, 1901, and is hereby promulgated for general information:—

ACT NO. I OF 1901.

An Act to amend the law relating to the admission of Native Military Lunatics into Asylums.

WHEREAS it is expedient to repeal certain provisions of the law now in force with regard to the admission of native military lunatics into asylums; It is hereby enacted as follows:—

1. The enactments mentioned in the schedule Repeal of certain hereto annexed are repealed enactments. ed to the extent specified in the fourth column thereof.

2. The repeal by this Act of any enactment Saving of certain shall not affect any native detentions. military lunatic who, at the commencement of this Act, is detained

in an asylum in pursuance of an order under XI of 1877. section 6 of the Military Lunatics Act, 1877.

THE SCHEDULE.

(See section 1.)

REPEAL OF ENACTMENTS.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
1869	V	Indian Articles of War.	In article 179, the words from such allowance to the end.
1877	XI	Military Lunatics.	In the preamble, the words and to amend the law now in force with regard to the admission thereto of native military lunatics. Sections 4, 5 and 6. In sections 7 and 8 the words whether European or native.

J. M. MACPHERSON,

Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, FEBRUARY 27, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd February, 1901, and is hereby promulgated for general information :—

ACT NO. II OF 1901.

An Act to amend the law relating to the exemption from tolls of persons and property belonging to the Army.

WHEREAS certain officers, soldiers and other persons, and, certain animals, baggage and carriages belonging or attached to the Army, are exempted by section 143 of the Army Act from payment of certain duties or tolls ;

And whereas similar exemptions are made by various enactments of the Indian legislatures, but these exemptions are not co-extensive with those made by the said Army Act ;

And whereas it is expedient to remove the inconsistency now existing between the said Army Act and the said enactments, and to exempt certain other persons and property belonging to the Army from payment of certain tolls ;

And whereas it is declared by section 169 of the said Army Act that " it shall be lawful for the Governor General of India . . . to provide by law for reducing any fine directed by this Act to be recovered on summary conviction to such amount as may appear to the Governor General . . . to be better adapted to the pecuniary

means of the inhabitants ; and also to declare the amount of the local currency which is to be deemed for the purposes of this Act to be equivalent to any sum of British currency mentioned in this Act ", and it is expedient to alter in the manner hereinafter appearing the fine imposed by section 143 of the said Army Act ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Tolls Short title, extent (Army) Act, 1901. and commencement.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti ; and

(3) It shall come into force on the first day of April, 1901.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "ferry" includes every bridge and other thing which is a ferry within the meaning of any enactment authorizing the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890 ;

(b) the expression "His Majesty's Regular Forces" has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes the Indian Reserve Forces when subject to military law ;

(c) "horse" includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons ;

IX of 1890.

44 & 45 Vict., c. 58

IV of 1888.

(d) the expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888, and includes persons holding commissions in the Indian Army Reserve of officers when called out in any military capacity:

(e) "landing-place" includes a pier, wharf, quay, jetty and a stage, whether fixed or floating:

(f) the expression "local corps" means the Hyderabad Contingent, the Central India Horse, the Malwa Bhil Corps, the Bhopal Battalion, the Deoli Irregular Force, the Erinpura Irregular Force, the Meywar Bhil Corps, the Merwara Battalion and the Escort of the Resident in Nepal, and includes any other corps which may be notified by the Governor General in Council in this behalf by order published in the Gazette of India:

42 & 43 Vict.,
c. 41.
IX of 1890.

(g) "public authority" means the Government or a local authority; and, so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company: and

VIII of 1894.

(h) "tolls" include duties, dues, rates, rents, fees and charges, but do not include customs-duties levied under the Indian Tariff Act, 1894, octroi-duties or town-duties on the import of goods, or fares paid for the conveyance of passengers on a tramway.

3. The following persons and property, Exemptions from tolls, namely:—

(a) all officers and soldiers of—

- (i) His Majesty's Regular Forces,
- (ii) any local corps, or
- (iii) Imperial Service Troops,

when on duty or on the march,

(b) all members of a corps of Volunteers when on duty or when proceeding to or returning from duty,

(c) all officers and soldiers of the Indian Reserve Forces when proceeding from their place of residence on being called out for training or service or when proceeding back to their place of residence after such training or service,

(d) all grass-cutters when employed in the service of—

- (i) His Majesty's Regular Forces,
- (ii) any local corps,
- (iii) Imperial Service Troops, or
- (iv) any corps of Volunteers,

(e) all other authorized followers of—

- (i) His Majesty's Regular Forces,
- (ii) any local corps,
- (iii) Imperial Service Troops, or
- (iv) any corps of Volunteers,

when they accompany any body of such Forces, Troops or Volunteers or any members of such corps on the march, or when they are otherwise moving under the orders of military authority,

(f) all members of the families of officers, soldiers or authorized followers of—

- (i) His Majesty's Regular Forces, or
- (ii) any local corps,

when accompanying any body of troops, or any officer, soldier or authorized follower thereof on duty or on the march,

(g) all prisoners under military escort,

(h) the horses and baggage, and the persons (if any) employed in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such horses, baggage or persons accompany the persons so exempted under the circumstances mentioned in those clauses respectively,

(i) all carriages and horses belonging to His Majesty or employed in His Majesty's military service and all persons in charge of or accompanying the same, when conveying any persons as hereinbefore in this section mentioned, or when conveying baggage or stores, or when returning unladen from conveying such persons, baggage or stores,

(j) all carriages and horses, when moving under the orders of military authority for the purpose of being employed in His Majesty's military service,

(k) all animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and

(l) all persons in charge of any carriage, horse or animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses respectively,

shall be exempted from payment of any tolls—

- (i) on embarking or disembarking, or on being shipped or landed, from or upon any landing-place, or
- (ii) in passing along or over any turnpike or other road or bridge, or
- (iii) on being carried by means of any ferry,

otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in British India:

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

4. (1) No tolls shall be leviable by any local authority in respect of—

Tolls on vessels transporting troops and baggage, etc., of troops embarked or disembarked.

- (a) any vessel employed by the Government solely for the transport of troops, or
- (b) the horses, baggage or other effects of any troops embarking or disembarking at any port, or
- (c) carriages belonging to His Majesty or employed in His Majesty's military service embarking or disembarking at any port.

(2) In respect of all such vessels or troops, their families, their horses, baggage and their effects, or any such carriages as aforesaid, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by the Government, and shall receive payment for such services and accommodation on such terms and for such periods as may, from time to time, be determined by the Government in consultation with such local authority.

5. Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4, shall be punishable with fine which may extend to fifty rupees.

6. (1) If any owner or lessee, or any Company, railway administration or local authority claims compensation for any loss alleged to have been incurred owing to the operation of this Act, the claim shall be submitted to the Local Government.

(2) On receiving any such claim, the Local Government, subject to the control of the Governor General in Council, shall pass such order thereon as justice requires, and shall give all necessary directions for the purpose of ascertaining the facts of the case and of assessing the compensation, if any, to be paid.

7. (1) The Governor General in Council, Rules. and the Local Government with the previous sanction of the Governor General in Council, may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

8. The enactments specified in the schedule Repeals. are hereby repealed to the extent mentioned in the fourth column thereof.

THE SCHEDULE.
ENACTMENTS REPEALED.
(See section 8.)

Year.	Number.	Short title or subject.	Extent of repeal.
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Acts of the Governor General in Council.

1851	VIII	The Indian Tolls Act, 1851.	In section 4, <i>the words</i> of troops and military stores and equipages on their march or.
1878	XVII	The Northern India Ferries Act, 1878.	So much of section 15 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.

Acts of the Governor of Fort St. George in Council.

1884	I	The City of Madras Municipal Act, 1883.	In section 174, <i>the word</i> troops and <i>the word</i> military; also so much of the section as relates to any Government stores, vehicles, animals or other property which are or is exempted by section 3 of this Act.
"	IV	The Madras District Municipalities Act, 1884.	In section 91, sub-section (3), clause (b), as amended by the Madras District Municipalities Act Amendment Act, 1897 (Madras Act III of 1897), <i>the words</i> troops, military stores and baggage, military and.
"	V	The Madras Local Boards Act, 1884.	In section 87, sub-section (3), <i>the words</i> troops on their march or of military and; <i>the word</i> military and; also so much of the sub-section as relates to any Government stores or equipages which are exempted by section 3 of this Act.

Acts of the Governor of Bombay in Council.

186	II	The Bombay Ferries Act, 1868.	Section 3, clause (a).
1875	III	Tolls on Public Roads and Bridges.	In section 5, <i>the words</i> of troops and military stores and equipages on their march or.
1879	VI	The Bombay Port Trust Act, 1879.	Section 44.
1886	VI	The Karachi Port Trust Act, 1886.	Section 45.
1888	III	The City of Bombay Municipal Act, 1888.	In section 190, sub-section (1), <i>the letter</i> (b); also so much of the rest of the sub-section as excepts vehicles which are exempted by section 3 of this Act.
"	V	The Aden Port Trust Act, 1888.	Section 40, sub-section (3), clause (b).

Acts of the Lieutenant-Governor of Bengal in Council.

1876	V	The Bengal Municipal Act, 1876.	In section 159, <i>the words</i> of troops on the march or of animals or vehicles employed in the transport of such troops or, <i>the word</i> military or, in both places in which they occur, and <i>the words</i> or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar; also so much of the section as relates to any Government stores, and so much of the proviso as relates to any animals, which are exempted by section 3 of this Act.
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THE SCHEDULE--*contd.*

Year.	Number.	Short title or subject.	Extent of repeal.
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Acts of the Lieutenant-Governor of Bengal in Council--contd.

1884	III	The Bengal Municipal Act, 1884.	In section 168, <i>the words</i> of troops on the march or of animals or vehicles employed in the transport of such troops or, <i>the words</i> military or in both places in which they occur, and the words or of any animals, whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar: also so much of the section as relates to any Government stores, and so much of the proviso as relates to any animals, which are exempted by section 3 of this Act.
1885	I	The Bengal Ferries Act, 1885.	So much of section 18 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.

Act of the Lieutenant-Governor of Burma in Council.

1898	II	The Burma Ferries Act, 1898.	So much of section 16 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other things which are exempted by section 3 of this Act.
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J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd February, 1901, and is hereby promulgated for general information:—

ACT NO. III OF 1901.

An Act further to amend the Indian Ports Act, 1889.

WHEREAS it is expedient further to amend the Indian Ports Act, 1889, It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Ports Act, 1901, and

(2) It shall come into force at once.

2. (7) For clause (p) of sub-section (1) of section 1 of the Indian Ports Act, 1889, the following shall be substituted, namely:—

“(p) with the previous sanction of the Governor General in Council, for the establishment and regulation of places to be used as sanatoria for the segregation or as hospitals for the treatment of persons who are or have recently been suffering from any dangerous infectious or contagious disease, and for regulating the action, including the disposal of dead bodies, to be taken—

- (i) where a vessel on which there is any case of dangerous infectious or contagious disease common in India, enters or is in any such port;
- (ii) where a vessel on which there is any case of dangerous infectious or contagious disease uncommon in India, enters or is in any such port;
- (iii) where a vessel on which there has been any case of dangerous infectious or contagious disease or any death within twelve days previous to the arrival of the vessel at such port, enters or is in any such port;
- (iv) where a vessel enters any such port from a port in which, or in the neighbour-

hood of which, there is believed to be, or to have been at the time when the vessel left such port, any dangerous infectious or contagious disease uncommon in India;

- (v) where a vessel enters any such port having on board any person transhipped from a vessel coming from a port in which or in the neighbourhood of which there is believed to be or to have been at the time when such last-mentioned vessel left such last-mentioned port any dangerous infectious or contagious disease uncommon in India;
- (vi) where there is a dead body on board a vessel in any such port;
- (vii) where there are on board a vessel in any such port food-stuffs which, owing to decomposition or for any other reason, are, in the opinion of the Health Officer, unfit for human consumption; or
- (viii) where a vessel leaves any such port while there is in the port or in its neighbourhood any dangerous infectious or contagious disease uncommon in India.

For the purposes of this clause only such diseases shall be deemed to be dangerous infectious or contagious diseases, or diseases common or uncommon in India, as the Governor General in Council may by order direct.”

(2) After sub-section (2) of the same section the following sub-sections shall be inserted, namely:—

“(3) If any person disobeys any rule made under clause (p) of sub-section (1), he shall be punished for every such offence with fine which may extend to one thousand rupees.

(4) If a master fails wholly or in part to do any act prescribed by any rule made under clause (p) of sub-section (1), the Health Officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.”

3. The Indian Quarantine Act, 1870, is hereby repealed.

J. M. MACPHERSON,

Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 20, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 9th March, 1901, and is hereby promulgated for general information:—

ACT NO. V OF 1901.

An Act further to amend the Indian Forest Act, 1878.

WHEREAS it is expedient further to amend the Indian Forest Act, 1878; It is hereby enacted as follows:—

1878. 1. (1) This Act may be called the Indian Forest (Amendment) Act, 1901; and
Short title and commencement.
(2) It shall come into force at once.
1878. 2. To section 32 of the Indian Forest Act, 1878,

Addition to section 32, Act VII of 1878. the following clause shall be added, namely:—

“Whenever fire is caused wilfully or by gross negligence in a protected forest, the Local Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.”

3. In section 33 of the said Act, after the Amendment of section 33, Act VII of 1878. words and figures “except as regards any portion of a forest closed under section 29” the words and figures “or any rights the exercise of which has been suspended under section 32” shall be inserted.

4. From section 78 of the said Act the words Amendment of section 78, Act VII of 1878. “demanding his aid” shall be omitted before clause (a), and after clause (b) the following shall be inserted, namely:—

“and shall assist any Forest-officer or Police-officer demanding his aid—”.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 9th March, 1901, and is hereby promulgated for general information:—

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*The Assam Labour and Emigration Act, 1901.**(Chapter I.—Preliminary.—Sections 1-2.)*

An Act to consolidate and amend the law relating to Emigration to the Labour-districts of Assam.

WHEREAS it is expedient to consolidate and amend the law relating to emigration to the labour-districts of Assam; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Assam Labour and Emigration Act, 1901.

(2) It extends—

(a) to the Provinces of Bengal (including the Santhal Parganas), the North-Western Provinces, Oudh and Assam, the Central Provinces and the District of Ganjam in the Province of Madras; and

(b) to such other parts of British India as the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct.

(3) It shall come into force—

(i) in the territories mentioned in clause (a) of sub-section (2), at once; and,

(ii) in any territories to which it may be extended by a notification under clause (b) of the said sub-section, on such day as may be specified in that behalf in the notification.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "agent" means a garden-sardar or other person engaging or assisting any native of India to emigrate under Chapter V:

(b) "Assistant Inspector" means an Assistant Inspector of Labourers appointed under this Act:

(c) "contractor" means a contractor licensed under this Act:

(d) "dependant" includes any woman (not being a labourer), any child and any aged or incapacitated relative or friend accompanying any labourer with the consent of a contractor, sub-contractor, recruiter, local agent or garden-sardar, or accompanying any emigrant with the consent of an agent:

(e) "emigrate" denotes the departure of any native of India (not being a native of a

labour-district) of the age of sixteen years or upwards from any part of the territories in which this Act may for the time being be in force, for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant:

(f) "employer" means the chief person for the time being in charge of any estate upon which labourers or more than fifty other persons are employed:

(g) "estate" means the land upon which any labourers or more than fifty other persons have been engaged to labour:

(h) "garden-sardar" means a person employed on an estate and deputed by his employer to engage labourers:

(i) "Inspector" means an Inspector of Labourers appointed under this Act:

(j) "labour-contract" means a contract, penally enforceable under this Act, to labour for hire in a labour-district otherwise than as a domestic servant:

(k) "labour-district" means any of the districts of Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet in the Province of Assam:

(l) "labourer" means any person bound by a labour-contract, and includes any person registered as such under section 34 or section 69:

(m) "local agent" means a local agent licensed under this Act:

(n) "Magistrate" means a District Magistrate, Subdivisional Magistrate or other person appointed by the Local Government to perform the functions of a Magistrate under this Act:

(o) "recruiter" means a recruiter licensed under this Act:

(p) "recruiting district" means a district in which this Act is for the time being in force, other than a labour-district:

(q) "Registering-officer" means a Registering-officer appointed under this Act:

(r) "sign" and "signature" include, in the case of persons unable to write, finger-impressions:

(s) "sub-contractor" means a sub-contractor licensed under this Act: and

(t) "Superintendent" means a Superintendent of Emigration appointed under this Act.

(2) All words defined in the Indian Contract Act, 1872, and used in this Act shall be deemed to have the meanings respectively assigned to them by that Act.

*The Assam Labour and Emigration Act, 1901.**(Chapter I.—Preliminary.—Sections 3-4. Chapter II.—Labour-contracts generally.—Section 5-10.)*

3. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit all persons from recruiting, engaging, inducing or assisting any native of India, or any specified class of natives of India, to emigrate from the whole or any specified part of the Province to any labour-district or any specified portion of any labour-district, either absolutely or otherwise than in accordance with such of the provisions of this Act as may be specified in the notification :

Provided that a notification under this section shall not take effect until the expiry of six months from the date of its publication in the Gazette, unless for any special reason the Local Government thinks it necessary to direct that the notification is to take effect at an earlier date.

4. (1) The Local Government may appoint Appointment of so many persons as it officers. thinks necessary to be Superintendents of Emigration, Registering-officers, Embarkation Agents, Debarkation Agents, Inspectors of Labourers, Assistant Inspectors of Labourers and Medical Inspectors, under this Act respectively, and, with respect to any such officer, may, subject to the control of the Governor General in Council, declare the local area situate in the Province within which he shall exercise the powers and perform the duties conferred and imposed upon him by this Act or any rule thereunder.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

5. (1) Every labour-contract shall be in writing in the form set forth in the first schedule, and shall be executed as hereinafter provided in duplicate on substantial paper.

(2) Every labour-contract shall specify—

- (a) the names of the labourer and his employer ;
- (b) the term for which the labourer is to labour ;
- (c) the monthly wages in money of the labourer and the price at which rice is to be supplied to him ;
- (d) the labour-district in which, and, if the labourer so requests, the estate on which, the labourer is to labour.

(3) No labour-contract shall be made for a term exceeding four years or, if the contract is entered into under the provisions of section 118, for a term exceeding one year, commencing from the date of its execution.

(4) No labour-contract shall stipulate for a less rate of monthly wages than—

for the first year, five rupees in the case of a man and four rupees in the case of a woman :

for the second and third years, five rupees eight annas in the case of a man and four rupees eight annas in the case of a woman : and

for the fourth year, six rupees in the case of a man and five rupees in the case of a woman :

Provided that the payment of wages under a labour-contract at the stipulated rate shall during the first six months, after the arrival of the labourer in the labour-district where he is first employed be contingent on the completion of half the daily task regulated in accordance with the provisions of this Act, unless an Inspector has certified that the labourer is physically fit to perform the whole of such task :

Provided also that in all other cases the payment of wages at the stipulated rate shall be contingent on the completion of such daily task :

Provided further that any labour-contract made before the first day of April, 1903, may stipulate for a rate of monthly wages of not less than five rupees in the case of a man and four rupees in the case of a woman for the second and third years of the term of such contract.

6. No contract made otherwise than in accordance with the provisions of section 5 shall be enforceable under this Act as a labour-contract against the labourer entering into it.

7. Unless his labour-contract contains a specific obligation to that effect, no labourer shall be bound by it to undertake any work involving underground labour in mines.

8. Unless his labour-contract specifies the particular estate on which he is to labour, a labourer shall be deemed to have contracted to labour on any estate in charge of the employer for whom he has contracted to labour, and situate in the labour-district specified in the contract :

Provided that no labourer shall, without his consent, be separated from his dependants (if any) or from any other labourer, being his or her wife, husband, son or daughter.

9. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, any person of the age of sixteen years or upwards may enter into a labour-contract :

Provided that no woman shall be capable of binding herself by a labour-contract if her husband or lawful guardian (if any) objects.

10. (1) Where the Local Government, after such inquiry as it thinks sufficient, is of opinion that any labourer was recruited or conveyed to a labour-district, or compelled or induced to enter into a labour-contract, by any coercion, undue influence, fraud or misrepresentation, or that any such irregularity has occurred in connection with his recruitment or the execution of his contract as makes it just to rescind his contract, the Local Government may, by order in writing, direct the labour-contract of the labourer to be cancelled.

(2) On receipt of an order made under sub-section (1), the Superintendent, Inspector or Magistrate shall cancel the labour-contract referred to in the order, and shall thereupon make endorsement that it has been so cancelled on the labourer's copy of the labour-contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

The Assam Labour and Emigration Act, 1901.

(Chapter II.—Labour-contracts generally.—Sections 11-13.—Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 14-20.)

11. Where the labour-contract of a labourer is or has been cancelled under section 10, the Local Government may, in its discretion and on the application of the labourer concerned, cancel the labour-contract of any labourer, being the wife, husband, father, mother, son or daughter of the labourer whose labour contract is or has been cancelled, who may have entered into a labour-contract at the same place with the same employer or, in the case of a labour-contract cancelled in the labour-districts, may be employed on any estate belonging to the same owner or under charge of the same employer.

12. (1) Subject to any orders which the Local Government may make in this behalf, the Superintendent, Inspector or Magistrate may detain and send back to his native district any labourer, together with his dependants (if any), whose labour-contract has been cancelled under section 10 or section 11, and may recover the whole or any part of the expenses incurred during such detention or in so sending him back as follows, namely:—

- (a) in the case of a labourer in a recruiting district, if the labourer has been recruited under Chapter III, from the contractor at whose depôt the labourer executed his labour-contract;
 - (b) in the case of a labourer in a recruiting district, if the labourer has been recruited under Chapter IV, from the employer by whom the certificate of the garden-sardar concerned was granted or from the local agent of the employer; and,
 - (c) in the case of a labourer in a labour-district, from the employer on whose estate the labourer is under contract to labour, or, if the labourer has been recruited under Chapter III, either from such employer or from the contractor at whose depôt the labourer executed the labour-contract, as to the Inspector or Magistrate may seem expedient.
- (2) In the case of a labourer recruited under Chapter III, when the whole or any part of such expense have been recovered from the employer, the employer shall be entitled to recover the same from the contractor at whose depôt the labourer executed the labour-contract.

(3) A certified copy of the order in writing of the Local Government under section 10 or section 11 and the receipt granted to the employer for such expenses shall be conclusive evidence of the title of the employer to recover such expenses from the contractor.

13. (1) Where a labourer is sent back to his native district under section 12, the Superintendent, Inspector or Magistrate may provide an escort or make such other arrangements as he may think necessary for ensuring that the labourer is actually conveyed to his native district.

(2) Any expenditure incurred in providing such escort or making such arrangements as aforesaid may be recovered as part of the amount expended in sending the labourer back to his native district.

CHAPTER III.

RECRUITMENT BY CONTRACTORS, SUB-CONTRACTORS AND RECRUITERS.

Contractors and sub-contractors.

14. Any Superintendent specially empowered in this behalf by the Local Government may grant to persons fitted by character to act as contractors licenses to be contractors within the whole or any part of the local area for which the Superintendent has been appointed; and may also, on the application of any contractor, grant to persons fitted by character to act as sub-contractors licenses to be sub-contractors, on behalf of the contractor, within the whole or any part of the local area for which the contractor is licensed.

15. Every license granted under section 14 shall be in such form, and subject to the payment of such fee, not exceeding, in the case of a contractor, one hundred rupees, and, in the case of a sub-contractor, fifty rupees, as the Local Government may, by rule, prescribe.

16. (1) No license shall be granted under section 14 for a longer period than one year from the date thereof, and, if the licensee fails to comply with any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, his license may be cancelled by the Superintendent who granted the same.

(2) A contractor or sub-contractor may, within one month from the date of any order of a Superintendent cancelling his license under subsection (1), appeal against the order to the Local Government, and the decision of the Local Government thereon shall be final.

17. Every contractor shall, in addition to the special duties imposed upon him by this Act, afford such information to the Superintendent and furnish him with such returns and reports as the Superintendent may, subject to any rules made by the Local Government in this behalf, require.

18. No sub-contractor shall be licensed to act on behalf of more than one contractor.

19. A contractor or sub-contractor may act as a recruiter, and shall, when so acting, be subject to all the provisions of this Act relating to recruiters.

20. (1) Every contractor shall be liable for the acts and defaults as a sub-contractor or recruiter of any person licensed to be a sub-contractor or recruiter on his behalf, and all payments which, under this Act or any rule thereunder, any person so licensed is required to make, may, in case of default, be recovered from the contractor concerned.

*The Assam Labour and Emigration Act, 1901.**(Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 21-30.)*

(2) The Superintendent may cancel the license of any contractor where the license of any person so licensed on behalf of the contractor is liable to be cancelled under this Act.

(3) Nothing in this section shall be deemed to render a contractor criminally liable for any act or default on the part of any person so licensed on his behalf.

21. Every contractor shall establish and maintain, at such places and for such local areas as the Local Government may direct, suitable depôts for the reception and lodging, previous to their despatch to the labour-districts, of labourers engaged by him or by sub-contractors or recruiters licensed on his behalf, and shall provide at his own expense all necessary food, clothing and medical treatment for any labourers so engaged during their stay at the depôts.

22. (1) No depôt shall be used for the reception and lodging of labourers until it has been inspected and approved of by the Superintendent and the Medical Inspector.

(2) Every depôt shall be under the supervision of the Superintendent, the Magistrate or such other officer as the Local Government may appoint in this behalf, and shall be open at all times to inspection by the Superintendent, the Magistrate or such officer as aforesaid, and the Medical Inspector.

(3) Where the Superintendent considers that any depôt is unhealthy, or has become unsuitable for the purpose for which it was established, he may, by order in writing, prohibit the use of the depôt for the reception and lodging of labourers.

23. In addition to the depôts hereinbefore provided for, the Local Government may establish separate hospital-depôts for the reception of labourers suffering from dangerously infectious or contagious diseases.

24. (1) Where a hospital-depôt is established under section 23, the Local Government may require any contractor having a depôt in the neighbourhood of the hospital-depôt to contribute to the expense of the establishment and maintenance of the hospital-depôt such reasonable sum as it may direct, and may recover the same from the contractor.

(2) Every hospital-depôt established under section 23 shall be under the charge of a medical officer appointed by the Local Government.

(3) Any Medical Inspector may direct the transfer of any labourer from a depôt established within the local limits of his jurisdiction to a hospital-depôt established under section 23 within the said local limits.

Recruiters.

25. Any Superintendent empowered in this behalf by the Local Government may, on the application of a contractor or of any sub-contractor acting on behalf of a contractor, grant to persons fitted by character to be employed in engaging labourers licenses to be recruiters on behalf of the contractor within the whole or any specified part of the local area for which the contractor has been licensed:

Provided that no person shall be granted a license under this section to be a recruiter on behalf of more than one contractor or to act as such within the local limits of more than one district.

26. Every license granted under section 25 shall be in such form, and subject to the payment of such fee, not exceeding sixteen rupees, as the Local Government may, by rule, prescribe.

27. No license shall be granted under section 25 for a longer period than one year from the date thereof; and, if the licensee fails to comply with any of the provisions of this Act or the rules thereunder, or is guilty of any other misconduct, his license may be cancelled by the Superintendent who granted the same.

28. Every recruiter shall hold a certificate in writing authorizing him to act as such and signed by the contractor or sub-contractor on whose application he was licensed.

29. (1) No recruiter shall engage or attempt to engage any person as a labourer unless his license bears the countersignature of a Magistrate having jurisdiction in the district or sub-division for which he is licensed.

(2) No Magistrate shall countersign a recruiter's license unless and until he has satisfied himself by such inquiry as he thinks fit that the licensee is not, by character or from any other cause, unfitted to be a recruiter under this Act, that he holds the certificate prescribed by section 28, and that sufficient and proper accommodation has been provided in a suitable place and is available for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a depôt.

30. (1) Every Magistrate shall have, for the supervision, inspection and regulation of any place within the local limits of his jurisdiction in which accommodation is provided under section 29, sub-section (2), the same powers as are by this Act conferred on the Superintendent in respect of depôts.

(2) The District or any Subdivisional Magistrate may authorize any Magistrate subordinate to him, or any officer of police above the rank of sub-inspector, to visit and inspect such places as aforesaid at any time; and all recruiters or other

*The Assam Labour and Emigration Act, 1901.**(Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 31-36.)*

persons in charge of such places as aforesaid shall afford to subordinate Magistrates and officers of police authorized every facility for visiting and inspecting them.

31. (1) Where any Magistrate who has countersigned a recruiter's license afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided under section 29, sub-section (2), has become insufficient or improper or has ceased to be available, or that the place in which it is provided has become unsuitable, he may require the licensee to produce his license and may cancel his countersignature thereon, or he may impound the license and send it for cancellation to the Superintendent who granted the same.

(2) Every Magistrate refusing to countersign a recruiter's license or cancelling his countersignature thereon shall at once report his refusal or cancellation and the grounds thereof to the Superintendent who granted the license.

Procedure before arrival at Depôts.

32. (1) Every recruiter who desires to engage any person as a labourer shall appear with the person before such medical officer as the Local Government may appoint in this behalf within the local limits of the jurisdiction of the Magistrate by whom the recruiter's license was countersigned, or, if no medical officer has been so appointed, before such medical officer as the Registering-officer before whom the person is taken for registration as hereinafter provided may direct.

(2) The medical officer shall thereupon examine the person, and shall, if satisfied that he is in a fit state of health to proceed to the labour-district in which he intends to labour, and is not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, give him a certificate to that effect.

33. Every person who obtains a certificate under section 32, together with any persons about to proceed to a labour-district as his dependants, shall thereupon be brought to the recruiter before the Registering-officer having jurisdiction within the local area for which the recruiter is licensed, or before such other Registering-officer as the Local Government may appoint for that local area. The recruiter shall, at the same time, produce and show his license to the Registering-officer.

34. (1) The Registering-officer shall thereupon inspect the certificate given under section 32 and the license of the recruiter, and, if he finds that the certificate has been duly given and that the recruiter is duly licensed, shall then examine the person brought

before him under section 33 with reference to his intended labour-contract, and explain the same to him.

(2) Where it appears that the person so brought before the Registering-officer is competent to enter into the intended labour-contract, and understands the same as regards the locality, the period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering-officer shall register, in a book to be kept for the purpose, such particulars regarding him and the persons (if any) whom he wishes to have registered as his dependants as the Local Government may, by rule, prescribe; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.

(3) Where any woman is produced before a Registering-officer for the purpose of being registered under this section, the Registering-officer shall, after such inquiry as may be necessary to satisfy him of the identity of her husband or lawful guardian, as the case may be, and, after such examination as may be necessary to satisfy him of the consent of such husband or lawful guardian, place on record in writing under his own signature that such husband or lawful guardian has consented to her entering into a labour-contract, and such record shall also be subscribed by the husband or lawful guardian with his signature.

(4) In the case of any such woman who is alleged to be a widow or of an unmarried woman who is stated to have no lawful guardian living, the Registering-officer shall satisfy himself by the evidence of at least one witness that her husband is dead or that she has no lawful guardian, as the case may be, and shall record such evidence in writing under his own signature.

35. (1) Where the Registering-officer refuses to register a person as a labourer under this Act, he shall report his refusal to the District or Subdivisional Magistrate or other officer appointed by the Local Government in this behalf, and such Magistrate or officer as aforesaid may make such arrangements as he may think necessary for ensuring the return of the person and his dependants (if any) to their homes and for their proper housing and support in the interval. In the case of any male under the age of sixteen years or or any female recruited in circumstances which appear to be suspicious, the arrangements may include the provision of an escort home.

(2) Any expenditure incurred under sub-section (1) may be recovered from the contractor or recruiter concerned, or both.

36. The Registering-officer shall furnish to every person registered under section 34, sub-section

*The Assam Labour and Emigration Act, 1901.**(Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 37-46.)*

tion (2), a certified copy written on substantial paper of the particulars referred to therein.

37. Every Registering-officer registering a person under section 34, sub-section (2), shall forthwith forward a certified copy of the particulars referred to therein and the original certificate of the medical officer regarding the person to the Superintendent having jurisdiction over the depôt to which the person is to proceed.

38. For every person produced before a Registering-officer for the purpose of being registered under section 34, sub-section (2), the recruiter shall pay to the Registering-officer such fee, not exceeding one rupee, as the Local Government may, by rule, prescribe.

39. No recruiter shall remove or attempt to remove any person to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Registering-officer before whom he ought to be brought under section 33, or aid or attempt to aid him in going to a depôt, or leaving any such local limits as aforesaid, unless and until he has been registered under section 34, sub-section (2).

40. (1) After a labourer has been registered under section 34, sub-section (2), the Registering-officer shall direct the recruiter to convey the labour with all convenient despatch to a depôt established by the contractor on whose behalf the recruiter has been licensed, and shall specify the depôt to which the labourer is to be conveyed.

(2) Every labourer shall, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person deputed by him with the approval of the Registering-officer by whom the labourer has been registered.

(3) The Registering-officer shall give to every person so deputed a certificate, under his signature, stating that he has been deputed for the journey to the depôt.

41. Every recruiter or person deputed by him under section 40, sub-section (2), shall, throughout the journey to the depôt, provide the labourer and his dependants (if any) with proper and sufficient food and lodging.

Procedure at Contractors' Depôts.

42. Within twenty-four hours after the arrival of a labourer at a depôt, the contractor by whom the depôt is maintained, or the person in charge thereof, shall give to the Superintendent, within the local limits of whose jurisdiction the depôt is situate, a notice in writing, in such form and containing such particulars as the Local Government may, by rule, prescribe, of the arrival of the labourer.

43. (1) The Medical Inspector shall, as soon as may be after the arrival of a labourer at a depôt, examine the labourer and

his dependants (if any) to ascertain that they are in a fit state of health to undertake the journey to the labour-district to which they intend to proceed, and, in the case of the labourer, that he is also not incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts.

(2) The Medical Inspector shall give a certificate to the Superintendent stating whether he is or is not satisfied that the labourer and his dependants (if any) are in a fit state of health to undertake the journey, and, in the case of the labourer, that he is also not incapacitated as aforesaid.

44. Where the Medical Inspector gives a certificate under section 43, sub-section (2), with respect to any labourer, and there is, in the opinion of the Superintendent, no valid reason why the labourer should not enter into the intended labour-contract, the labourer and the employer with whom he intends to contract, or the person appearing on behalf of the employer, shall, after the lapse of three, and within thirty, days after the date of the arrival of the labourer at the depôt, execute the labour-contract in the presence of the Superintendent:

Provided that no labour-contract shall be executed as aforesaid except in the district in which the labourer was registered under section 34, sub-section (2), or at such other place within the Province as the Local Government may direct.

45. (1) Before any labourer executes a labour-contract, under section 44, the Superintendent shall personally explain to him, and shall, after the same has been executed by him and by his employer or the person appearing on behalf of his employer, attest the labour-contract and certify at the foot thereof that he has personally explained the same to the labourer.

(2) An abstract of every labour-contract so executed shall be entered in a register to be kept by the Superintendent for the purpose; and, after the abstract has been so entered, one copy of the labour-contract shall be given to the labourer and the other to his employer or the agent of his employer.

46. Where the employer with whom any labourer intends to contract, or a person appearing on behalf of the employer, has given notice to the Superintendent that, before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a medical man selected by such employer or person appearing on behalf of the employer and shall be certified by him to be physically and constitutionally fit for labour in the labour-district in which the estate of the employer is situate, the Superintendent shall not permit the labourer to execute a labour-contract, until such medical certificate as aforesaid has been produced and shown to him.

47. Where the employer with whom any labourer intends to contract, or a person appearing on behalf of the employer, has given notice to the Superintendent that, before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a medical man selected by such employer or person appearing on behalf of the employer and shall be certified by him to be physically and constitutionally fit for labour in the labour-district in which the estate of the employer is situate, the Superintendent shall not permit the labourer to execute a labour-contract, until such medical certificate as aforesaid has been produced and shown to him.

48. Where the employer with whom any labourer intends to contract, or a person appearing on behalf of the employer, has given notice to the Superintendent that, before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a medical man selected by such employer or person appearing on behalf of the employer and shall be certified by him to be physically and constitutionally fit for labour in the labour-district in which the estate of the employer is situate, the Superintendent shall not permit the labourer to execute a labour-contract, until such medical certificate as aforesaid has been produced and shown to him.

49. Where the employer with whom any labourer intends to contract, or a person appearing on behalf of the employer, has given notice to the Superintendent that, before any labour-contract is entered into by him or on his behalf with any labourer, the labourer shall be examined by a medical man selected by such employer or person appearing on behalf of the employer and shall be certified by him to be physically and constitutionally fit for labour in the labour-district in which the estate of the employer is situate, the Superintendent shall not permit the labourer to execute a labour-contract, until such medical certificate as aforesaid has been produced and shown to him.

*The Assam Labour and Emigration Act, 1901.**(Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 47-53.)*

47. Where the employer or the person appearing on his behalf has directed that the examination referred to in section 46 shall be made by a medical officer in the service of the Government, such officer as aforesaid making the examination shall be entitled to receive from the employer or such person such fees as may be agreed upon, or, if no agreement has been entered into, then such fee for each labourer so examined as the Local Government, by general or special order, may direct.

Fee of medical officer when in Government service for examination under section 46.

Power to cancel contract and order payment of expenses of return of labourer in certain cases.

48. In any of the following cases, namely:—

- (a) where the Medical Inspector, on making the examination required by section 43, sub-section (1), or at any subsequent time during the stay at the depôt of a labourer, finds that the labourer is or has become unfit to undertake the journey to the labour-district to which he intends to proceed, or that the labourer is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, and the Superintendent considers that the labourer has not dishonestly represented himself as fit to undertake the journey; or
- (b) where the Superintendent finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of a labourer as makes it just to refuse to permit a labour-contract to be executed or to rescind a labour-contract which has been executed; or
- (c) where the contractor on whose behalf or by whom a labourer has been registered does not, after the lapse of three, and within thirty, days after the date of the arrival of the labourer at the depôt, tender to him a labour-contract for execution under section 44, or the employer or the person appearing on his behalf refuses or neglects to execute the contract as required by that section;

the Superintendent may cancel the labour-contract executed by the labourer, and in that event, or if no labour-contract has been executed may order the contractor at once to pay the labourer such reasonable sum as the Superintendent may think necessary to enable the labourer to return to the place at which he was registered or to his native district, as to the Superintendent may seem fit, and such further sum by way of compensation as the Superintendent thinks reasonable; and may take such other steps as he may think necessary for the conveyance of the labourer to such place or district as aforesaid.

49. (1) Any labourer who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the return journey, shall be entitled to be fed, lodged,

clothed and (if necessary) medically treated at the depôt at the expense of the contractor by whom the depôt is maintained, until he is reported by the Medical Inspector to be fit to undertake the return journey.

(2) Where the contractor negligently or wilfully omits to provide food, lodging, clothing or medical treatment for the labourer, the Superintendent may order the contractor at once to pay such reasonable sum as the Superintendent may think necessary to provide such food, lodging, clothing or medical treatment as aforesaid.

50. Where an order is made under section 48

Like provisions in with reference to a labour-case of dependants and er, any person registered relatives. as his dependant, or any other labourer, being his or her wife, husband, son or daughter, may claim—

- (a) to be conveyed, at the expense of the contractor, with the labourer to the same place as the labourer; and,
- (b) if the labourer is unable to travel, to be fed, lodged, clothed and (if necessary) medically treated in the depôt at the expense of the contractor until the labourer is able to travel;

and the Superintendent may include such expenses as aforesaid in an order made under section 48 or section 49 with respect to the labourer.

51. Where, upon the arrival of a labourer at a

Compensation to depôt, it appears that during the journey to the labourer for ill-treatment on the journey. depôt the labourer or any person registered as his dependant has suffered ill-treatment at the hands of the recruiter or person deputed by the recruiter to accompany the labourer, or that the recruiter or such person as aforesaid has failed to provide the labourer or any person registered as his dependant with proper and sufficient food and lodging, the Superintendent may order the contractor by whom the depôt is maintained to pay the labourer a reasonable sum by way of compensation.

52. Where the Medical Inspector has reason to

Procedure when dependant declared unfit to proceed to labour-district. think that any person registered as the dependant of a labourer is not in a fit state of health to undertake the journey to the labour-district to which the labourer intends to proceed, the Medical Inspector shall so certify to the Superintendent to whom notice of the arrival of the labourer was given. The provisions of sections 48 and 49 shall thereupon apply to the dependant as if he were a labourer, and the Superintendent may make such orders regarding him as he may make under those sections with regard to a labourer.

53. In any such case as is provided for by

Labourer and relatives entitled to be returned with dependant. section 52, the labourer to whom the dependant is attached shall further be entitled, if he or she so wishes, and if he or she is the husband, wife, son or daughter of the dependant, to receive from the contractor at whose depôt he or she arrived, such reasonable

The Assam Labour and Emigration Act, 1901.

(Chapter III.—Recruitment by Contractors, Sub-contractors and Recruiters.—Sections 54-55. Chapter IV.—Recruitment by Garden-sardars and Local Agents.—Sections 56-61.)

sum as the Superintendent may think necessary to enable him or her to return to the place where he or she was registered, or to his or her native district, as to the Superintendent may seem fit. If the labourer so returns, then any other persons registered as his or her dependants, and any other labourer, being his or her wife, husband, son or daughter, shall also be entitled to receive a like sum from the contractor.

54. On the failure of a contractor for the space of twenty-four hours to comply with an order of the Superintendent to pay any sum required to be paid under section 48, section 49, section 50, section 51, section 52 or section 53, the Superintendent may pay the same to or on behalf of the labourer or dependant concerned, and may recover it from the contractor.

55. (1) All labourers despatched from a contractor's depôt to a labourer's district shall during their journey to the place where they are to labour be accompanied by a person appointed by the contractor, and no person shall be so appointed unless he holds a certificate of fitness signed by the Superintendent, who may cancel such certificate for any reason which seems to him sufficient.

(2) Every person appointed under sub-section (1) shall take with him a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe; he shall present the way-bill at all such places and to all such officers as may be thereupon indicated; and he shall carry out all instructions therein contained for his guidance.

CHAPTER IV.

RECRUITMENT BY GARDEN-SARDARS AND LOCAL AGENTS.

Garden-sardars.

56. (1) An employer may grant to any garden-sardar a certificate authorizing him, in such local area within the limits of a single recruiting district as may be specified in the certificate, to enter into labour-contracts with persons desirous of becoming labourers upon any estate of which the employer is in charge, and may cancel such certificate at any time.

(2) Where any labourer bound by a labour-contract is granted a certificate under sub-section (1), his employment under the certificate shall be deemed to be employment under his labour-contract.

57. (1) Every certificate granted to a garden-sardar under section 56, sub-section (1), shall be in such form and shall contain such particulars as the Chief Commissioner of Assam may prescribe in this behalf.

(2) Any employer granting a certificate to a garden-sardar under section 56, sub-section (1), may, before the certificate is accepted and signed as hereinafter provided, specify therein the name of the local agent (if any) to whom the garden-sardar is to report himself for orders, the time within which he is to return to his employer, and such other instructions for his guidance as he may think fit.

58. Every certificate granted to a garden-sardar under section 56, sub-section (1), shall be accepted and signed by the garden-sardar in the presence of the Inspector or of a Magistrate having jurisdiction over the place where the employer granting the certificate resides.

59. The Inspector or Magistrate shall inquire into the facts stated in the certificate, and, upon being satisfied of the truth of the facts so stated, shall, unless it appears to him that the person so accepting and signing the certificate is not employed on an estate of which the person granting the certificate is in charge or is, by character or from any other cause, unfitted to be a garden-sardar, countersign and date the certificate.

60. (1) On the application of the employer by whom any certificate so countersigned has been granted to a garden-sardar, the Inspector or Magistrate may, without requiring the appearance of the garden-sardar or making the inquiry prescribed by section 59, countersign a fresh certificate to be granted by the employer to the garden-sardar in renewal of any existing certificate.

(2) Every fresh certificate granted under sub-section (1) shall be forwarded by the Inspector or Magistrate countersigning it to the District Magistrate of the district in which the garden-sardar to whom it is granted is employed; and the garden-sardar shall, on receiving notice from such District Magistrate as aforesaid, appear before him or any Magistrate specified in the notice and accept and sign the fresh certificate in his presence.

61. No certificate granted to a garden-sardar under this Chapter shall come into force, and continue in force, until it has been accepted and signed by the garden-sardar and countersigned by the Inspector or Magistrate having jurisdiction over the place where the employer granting the certificate resides, and also by the District Magistrate of the district in which the garden-sardar is authorized by the certificate to enter into labour-contracts, and no certificate so granted shall continue in force for a longer period than one year from the date of its countersignature by the said Inspector or Magistrate.

*The Assam Labour and Emigration Act, 1901.**(Chapter IV.—Recruitment by Garden-sardars and Local Agents.—Sections 62-67.)*

62. (1) Every garden-sardar shall provide sufficient and proper accommodation in a suitable place for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district.

(2) The District or Subdivisional Magistrate shall visit and inspect the accommodation so provided; and every garden-sardar or other person in charge of a place in which accommodation is so provided shall afford to such Magistrate every facility for visiting and inspecting it.

(3) The District or Subdivisional Magistrate may delegate the duty imposed on him by sub-section (2) to a Subordinate Magistrate or to an officer of police above the rank of sub-inspector.

(4) In every such place as aforesaid the garden-sardar providing the accommodation shall make such sanitary arrangements as the Local Government may prescribe.

63. (1) Where a garden-sardar commits a breach of any of the provisions of this Act or the rules thereunder, the Inspector or Magistrate who countersigned his certificate, or the District Magistrate who countersigned the certificate under section 61, or the Superintendent within whose jurisdiction the garden-sardar is employed, may cancel the certificate.

(2) Whenever one of the officers aforesaid cancels a certificate, he shall give notice of the fact to the other officers mentioned in sub-section (1) and to the employer of the garden-sardar; and, whenever such a certificate is cancelled by the employer, notice of the fact shall be given by him to the officers aforesaid.

(3) When the certificate of a garden-sardar is cancelled under this section, any labourers or other persons of whom he is in charge may be forwarded to their destination under the care of any person appointed by the employer for that purpose and approved by the Superintendent.

Local Agents.

64. (1) Any Superintendent authorized in this behalf by the Local Government may, on the application of one or more employers, grant licenses to suitable persons to be local agents for the purpose of representing employers in all matters connected with the supervision of garden-sardars under this Chapter or section 90 or section 91 within such local area and for such period as the employer or employers so applying may desire:

Provided that no contractor and no person who in the opinion of the Superintendent has a share or interest in any contractor's business shall be licensed as a local agent.

(2) A local agent shall furnish such information and make such returns as the Local Government may, by rule, prescribe.

65. Any Superintendent authorized in this behalf by the Local Government may, on the application of one or more employers, grant licenses, for such period as the employer or employers may desire, to suitable persons to be selecting agents, for the selection, on behalf of the employer or employers, of labourers recruited by contractors, and such selecting agent shall furnish such information and make such returns as the Local Government may by rule prescribe:

Provided that no contractor or local agent and no person who in the opinion of the Superintendent has a share or interest in any contractor's business shall be licensed as a selecting agent:

Provided also that no such license shall be granted for more than one year from the date thereof:

Provided also that a license granted under this section may be cancelled by the Superintendent for any reason which seems to him sufficient.

66. Where any garden-sardar to whom a certificate has been granted under this Chapter by an employer commits any offence punishable under this Act, any local agent of the employer may prosecute the garden-sardar for that offence.

67. (1) The District Magistrate of any district within which a local agent acts as such may, by order in writing, cancel the license of the local agent if the employer so requires, or if it is shown to the satisfaction of the District Magistrate that the local agent has—

- (a) employed any contractor's recruiter to recruit or engage on his behalf persons to be labourers; or
- (b) permitted persons engaged as labourers by or on behalf of any contractor to use the accommodation provided for the persons engaged as labourers by any garden-sardar under the local agent's control; or
- (c) allowed any garden-sardar under his control to transfer persons engaged as labourers by the garden-sardar to contractors or to their recruiters or to

*The Assam Labour and Emigration Act, 1901.**(Chapter IV.—Recruitment by Garden-sardars and Local Agents.—Sections 68-73.)*

any employer other than the employer by whom the garden-sardar's certificate was granted ; or

(d) himself taken over persons engaged as labourers by any garden-sardar with intent to despatch them to any employer other than the employer by whom the garden-sardar's certificate was granted.

(2) A local agent may, within three months next after the date of any order of a District Magistrate cancelling his license under sub-section (1), appeal against the order to the Local Government, and the decision of the Local Government thereon shall be final.

Procedure to be followed by Garden-sardars.

68. Every garden-sardar who desires to engage any person as a labourer shall appear with the person, together with any others about to proceed to a labour-district as his dependants, before the Registering-officer having jurisdiction within the local area specified in the certificate of the garden-sardar or before such other Registering-officer as the Local Government may appoint for that local area.

69. (1) The Registering-officer shall thereupon inspect the certificate of the garden-sardar, and, if he finds that the certificate is in force, shall examine, with reference to the intended labour-contract, the person brought before him under section 68 whom it is desired to engage as a labourer, and explain the intended labour-contract to him.

(2) Where it appears that the person so brought before the Registering-officer is competent to enter into the intended labour-contract and understands the nature of the same as regards the locality, period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering-officer shall register, in a book to be kept for the purpose, such particulars regarding him and his dependants (if any) as the Local Government may, by rule, prescribe ; and the labourer and his dependants (if any) shall thereupon be deemed to be registered under this Act.

70. (1) Where it appears to the Registering-officer that any person brought before him under section 68 is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, or, in the case of a labourer, that he is incapacitated, by reason of any obvious bodily defect or infirmity, for labour in the labour-districts, the Registering-officer may,

before registering him under section 69, sub-section (2), if himself a medical man, medically examine him, or, if not himself a medical man, send him to a medical man for medical examination.

(2) If upon medical examination any person so brought before a Registering-officer is declared unfit to undertake the journey to the labour-district or, in the case of a labourer, incapacitated, by reason of any obvious bodily defect or infirmity for labour in the labour-districts, the Registering-officer may refuse to register him.

71. For every person brought before a Registering-officer, under section 68 for the purpose of being registered as a labourer, the garden-sardar who appears with him shall pay to the Registering-officer such fee, not exceeding one rupee, as the Local Government may direct.

72. (1) Where a person has been registered under section 69 sub-section (2), he shall, within fifteen days after the date on which he was so registered, execute a labour-contract with the employer with whom he intends to contract.

(2) The labour-contract shall be signed in the presence of the Registering-officer by the person so registered and, on behalf of the employer, by the garden-sardar who appears with him before the Registering-officer. The Registering-officer shall satisfy himself that the labour-contract is in accordance with any instructions specified in the certificate of the garden-sardar ; and, if he is so satisfied, shall, before the labourer signs the labour-contract, personally explain it to him and, after it has been executed as aforesaid, attest it, and certify at the foot thereof that he has personally explained it to the labourer.

(3) An abstract of every labour-contract executed under this section shall be entered in a register to be kept for the purpose by the Registering-officer, and a copy thereof shall then be given to the labourer and a copy to the garden-sardar or local agent.

(4) Where any garden-sardar, without reasonable cause, refuses or neglects to execute a labour-contract with a labourer as required by sub-section (4) within fifteen days after the date on which the labourer was registered under section 69, sub-section (2), the Registering-officer may order the garden-sardar to pay to the labourer such reasonable compensation, not exceeding twenty rupees, as the Registering-officer may think fit.

73. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that every labourer engaged by him shall before registration be examined

Procedure when employer requires medical examination previous to registration.

*The Assam Labour and Emigration Act, 1901.**(Chapter IV.—Recruitment by Garden-sardars and Local Agents.—Sections 74-82.)*

by a competent medical man and certified by him to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, and physically and constitutionally fit for labour in the labour-districts, no Registering-officer shall register as a labourer any person appearing before him with the garden-sardar until such medical certificate as aforesaid has been produced and shown to him.

74. Where the employer of a garden-sardar has, in the instructions specified in the certificate of the garden-sardar, directed that the examination referred to in section 73 shall be made by a medical officer in the service of the Government, such officer as aforesaid making the examination shall be entitled to receive from the local agent or garden-sardar such fee, for each labourer so examined, as may be agreed upon, and, if no agreement has been entered into, such fee as the Local Government, by general or special order, may direct.

75. Unless and until a person whom it is desired to engage as a labourer under this Chapter has executed a labour-contract under section 72, no garden-sardar shall remove or attempt to remove him to a labour-district, or induce or attempt to induce him to go to a labour-district, or to leave the local area, or aid or attempt to aid him in proceeding to a labour-district.

76. (1) A garden-sardar shall either himself accompany labourers engaged by him throughout their journey from the place in which the labour-contract was entered into, to the labour-district wherein they have contracted to labour, or shall send with them some competent person appointed by him with the approval of the local agent of his employer, or, if his employer has no local agent, with the approval of the officer by whom the labourers were registered.

(2) When the number of labourers (exclusive of dependants) proceeding on their journey to a labour-district is more than twenty, for every twenty labourers so in excess, or for any number of labourers less than twenty so in excess, one additional garden-sardar or person so appointed by him shall accompany the labourers so proceeding.

77. A garden-sardar may, subject to the instructions specified in his certificate, engage any number of persons as labourers; and, subject to the provisions of section 76, any number of labourers may be despatched at the same time to the labour-districts.

78. A garden-sardar may, with the previous consent in writing of the local agent of the employer by whom his certificate was granted, or, if the employer has no local agent, with the previous consent in writing of the employer, be appointed under section 76 as a competent person to accompany labourers other than those engaged by him.

79. (1) Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall present to the officer before whom the labourers have executed a contract under section 72 a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe.

(2) Every such garden-sardar or other person as aforesaid shall also present the way-bill at all such places and to all such officers as may be thereupon indicated, and shall carry out all instructions therein contained for his guidance.

80. Every garden-sardar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall provide the labourers and their dependants (if any) with proper and sufficient food and lodging throughout the journey.

81. Where it appears to any Magistrate, on the complaint of a labourer at any place on the journey, that the labourer or any person registered as his dependant has suffered ill-treatment during the journey at the hands of the garden-sardar or person appointed by the garden-sardar accompanying the labourer, or that the garden-sardar or person so appointed has failed to provide the labourer or any of his dependants with proper and sufficient food and lodging, or has willfully abandoned the labourer or any of his dependants, the Magistrate may either order the garden-sardar or person so appointed to pay to the labourer a reasonable sum by way of compensation, or may cancel the labour-contract entered into by the labourer and order the garden-sardar or person so appointed to pay to the labourer such reasonable sum as the Magistrate may think necessary to enable him with his dependants (if any) to return to the place at which he was registered, or to his native district, as to the Magistrate may seem fit.

82. On the failure for the space of twenty-four hours of any garden-sardar or person appointed by him as aforesaid to comply with an order made under section 81 to pay any sum, the Magistrate may pay the same to or on behalf of the labourer.

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concerned, and may recover it from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

83. Any Magistrate or Embarkation Agent may, if himself a medical man, medically examine, and, if not himself a medical man, send for medical examination by a medical man, any labourer or dependant who, while on the journey to the district to which he intends to proceed, appears to the Magistrate or Embarkation Agent, as the case may be, not to be in a fit state of health to proceed thereto.

84. (1) Where any labourer or dependant is, on examination under section 83, declared not to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the Magistrate or Embarkation Agent may order the labourer or dependant to be detained at such place as he may think proper until in a fit state of health to undertake the journey.

(2) In any such case as is provided for by sub-section (1), the labourer or dependant, when in a fit state of health to undertake the journey, shall, if the garden-sardar or person appointed by the garden-sardar accompanying him, or the employer by whom the certificate of the garden-sardar was granted, or his local agent, so wishes, be forwarded to the labour-district, or, if otherwise, to his native district or the place where he was registered as to the Magistrate or Embarkation Agent may seem fit.

(3) While any labourer or dependant is detained under sub-section (1), he shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the expense of the employer with whom the labourer, or the labourer to whom the dependant is attached, has contracted to labour.

85. (1) Where an order under section 84 has been made with reference to any labourer, any person registered as his dependant, and any other labourer being his or her wife or husband, shall be entitled,—

(a) until the labourer is in a fit state of health to undertake the journey, to be fed, lodged, clothed and (if necessary) medically treated at the place where the labourer is detained, and at the cost of the employer with whom the labourer has contracted to labour, and

(b) to be sent back to the same place (if any) as the labourer.

(2) Where an order has been made under sub-section (1) with reference to any dependant, the labourer to whom the dependant is attached shall thereupon, until the dependant is in a fit

state of health to undertake the journey to the labour-district, be entitled, if the labourer so wishes, and if he or she is the husband, wife, son or daughter of the dependant, to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained and at the cost of the employer with whom the labourer has contracted to labour; and the labourer shall, if he or she so wishes and if he or she is the husband, wife, son or daughter of the dependant, be sent back to the same place (if any) as the dependant.

(3) Where a labourer is entitled and claims to be so fed, lodged, clothed and (if necessary) medically treated, or to be so sent back, any person registered as his or her dependant, and any other labourer, being the wife or husband of the labourer, shall be entitled, as the case may be,—

(a) to be fed, lodged, clothed and (if necessary) medically treated at the place where the dependant is detained, and at the cost of the employer, until the dependant is in a fit state of health to undertake the journey to the labour-district, or

(b) to be sent back to the same place as the labourer.

86. Where a garden-sardar or person appointed by a garden-sardar accompanying any labourer or dependant fails to provide the labourer or dependant with food, lodging, clothing and medical treatment, or to send him back as required by section 84 or section 85, the Magistrate or Embarkation Agent may order the garden-sardar or person so appointed to pay such sum as the Magistrate or Embarkation Agent, as the case may be, may think necessary to provide food, lodging, clothing and medical treatment, or to defray the cost of the return-journey of the labourer or dependant; and, on failure for the space of twenty-four hours of the garden-sardar or person so appointed to comply with the order, the Magistrate or Embarkation Agent, as the case may be, may pay the sum specified in the order to or on behalf of the labourer or dependant concerned, and may recover it from the employer by whom the certificate of the garden-sardar was granted, or from the local agent of the employer.

87. (1) Where a labour-contract has been executed by a garden-sardar on behalf of his employer, any local agent or other representative of the employer may require the labourer to appear before the Superintendent for the cancellation of his labour-contract.

(2) If, when the labourer appears under sub-section (1), such reasonable sum as the Superintendent may think necessary to enable the labourer and his dependants (if any) to return to the native district of the labourer or to the place at which he was registered, as to the

*The Assam Labour and Emigration Act, 1901.**(Chapter IV.—Recruitment by Garden-sardars and Local Agents.—Sections 88-89.**Chapter V.—Engagement of Emigrants otherwise than under Chapters III and IV.—Section 90.)*

Superintendent may seem fit, and such further sum (if any) by way of compensation as the Superintendent may think reasonable, are paid to the labourer in his presence, the Superintendent may declare the labour-contract cancelled, and, in that event, shall make an endorsement to the like effect on the labourer's copy of the labour-contract, and attest the endorsement with his signature.

88. (1) Where the Superintendent declares the labour-contract of any labourer to be cancelled, any other labourer who is the wife, husband, father, mother, son or daughter of the labourer and has entered into a labour-contract at the same place with the same employer, may claim to have her or his labour-contract cancelled at the same time.

(2) Where a claim is made under sub-section (1), the Superintendent shall declare the labour-contract of the claimant to be cancelled, and shall order the local agent or representative of the claimant's employer to pay to the claimant such reasonable sum as the Superintendent may think necessary to enable him and his dependants (if any) to return to the same place as the labourer.

(3) On the failure for the space of twenty-four hours of the local agent or representative to comply with an order made under sub-section (2), the Superintendent may pay the sum specified in the order to or on behalf of the claimant concerned, and may recover the same from the employer by whom the certificate of the garden-sardar was granted, or from the local agent or representative who appears on behalf of the employer.

89. When an order is made under section 81, 86 or 88 for payment of the costs of the return journey of any labourer or other person, the Magistrate may order the garden-sardar or other person liable in respect of such costs to pay also the cost of providing such escort to accompany the labourer or other person during his return journey, as the Magistrate may think necessary.

CHAPTER V.

ENGAGEMENT OF EMIGRANTS, OTHERWISE THAN UNDER CHAPTERS III AND IV.

90. When a notification has been published under section 3, prohibiting the recruiting, engaging, inducing or assisting natives of India, or any specified class of natives of India, to emigrate from the whole or any specified part of a Province to any labour-district or any specified portion of a labour-district otherwise than in accordance with the provisions of this Act therein specified, the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that specially employed garden-sardars, not being garden-sardars holding certificates granted under Chapter IV, may, in the part of the province specified in the notification under section 3, engage persons on behalf of their employers and assist

persons so engaged to emigrate to such labour-district or specified portion of a labour-district subject to the following provisions, namely:—

(a) The employer shall grant each garden-sardar specially employed by him under this section a permit in writing, in such form as the Chief Commissioner of Assam may by rule prescribe, signed and dated, specifying the name of the garden-sardar and the recruiting district in which alone the garden-sardar may engage persons on behalf of his employer and assist them to emigrate: Provided that no such permit shall be granted to a garden-sardar who has not resided at least six months on the estate of the employer.

(b) The employer shall in the permit certify that the garden-sardar named therein is a person employed on his estate, and shall specify the nature of his employment and the period of his residence on the estate.

(c) Every permit shall be presented by the garden-sardar named therein in person for countersignature to the Inspector or to the Magistrate having jurisdiction in the place where the garden-sardar resides, and shall not be valid or have effect unless and until it is so countersigned.

(d) The Inspector or Magistrate may refuse to countersign any permit, for any reason, to be recorded in writing, which he may think sufficient, and shall refuse to countersign a permit unless he is satisfied that the garden-sardar named therein is employed on the estate of his employer and has resided at least six months on the estate and is a fit person to engage persons and assist them to emigrate.

(e) When a permit is duly countersigned the garden-sardar named therein may proceed to the recruiting district and there himself engage persons on behalf of his employer and assist them to emigrate, subject to the provisions of this Chapter.

(f) Every garden-sardar so authorized shall, on his arrival in the recruiting district and before he engages any person to emigrate, in person or in writing, report his arrival, and the place at which he intends principally to reside, to the District or Subdivisional Magistrate, and shall, at least three days before his departure from the recruiting district, similarly report his intended departure and furnish a list, in such form as the Local Government may prescribe, containing the names and descriptions of the persons whom he has engaged and is assisting to emigrate.

(g) Every garden-sardar shall either himself accompany all persons so engaged by him to the labour-district in which the estate of his employer is situate, or send them there in charge of another garden-sardar holding a permit under this section from the same employer to engage persons in the same recruiting district.

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(Chapter V.—Engagement of Emigrants otherwise than under Chapters III and IV.—Sections 91-93. Chapter VI.—Transport.—Sections 94-96.)

(h) No permit shall have effect for more than six months from the date of counter-signature by the Inspector or Magistrate as aforesaid.

(i) Any permit granted under this section may be cancelled in the recruiting district by the District Magistrate for any reason, to be recorded in writing, which he may think sufficient. The fact of cancellation shall be endorsed by such Magistrate as aforesaid on the permit, and the permit shall thereupon become invalid and cease to have effect. A District Magistrate who cancels a permit under this clause shall give notice of such cancellation to the employer by whom it was signed and to the Inspector or Magistrate by whom it was countersigned.

91. The Local Government may, by notification in the local official Gazette, declare, in the case of any specified agency or any association of employers for purposes of engaging persons to emigrate formed and conducted in accordance with rules approved by the Local Government,—

(a) that garden-sardars working in the Province under the control of such agency or association as aforesaid and holding permits granted and countersigned under section 90 may, subject to such conditions as may be prescribed in the notification, engage persons and assist them to emigrate; and

(b) that, in the case of garden-sardars holding certificates under Chapter IV and working in the Province under such control as aforesaid, any of the requirements of that Chapter may be dispensed with or relaxed in such manner as may be prescribed in the notification.

92. Subject to the provisions of section 3

Saving of engagement of emigrants otherwise than under foregoing provisions of Act.

and of any notification issued thereunder, nothing in this Act shall be deemed to prohibit any person from engaging or assisting natives of India to emigrate to a labour-district otherwise than in accordance with the provisions of Chapters III and IV and of sections 90 and 91.

93. (1) The following provisions of this Act shall apply to the transport and employment of persons engaged or assisted to emigrate under this Chapter and not bound by labour-contracts, namely:—

(a) in CHAPTER VI (TRANSPORT):—

(i) sections 94 and 95 (routes and transport by sea);

(ii) sections 96 to 99 (passenger licenses);

(iii) sections 100 and 101 (Embarkation Agent's powers and returns by master);

(iv) section 103 (medical officer);

(v) section 104 (delay in departure);

(vi) sections 107 to 110 (Magistrates' powers);

(vii) section 112 (disinfection);

(viii) section 113 (excess passengers);

(ix) section 114 (breaches of Act and rules); and

(x) section 116 (delegation of magisterial powers);

(b) in CHAPTER VII (LABOUR-DISTRICTS):—

(i) section 122 (registers and returns);

(ii) section 123 (inspection); and

(iii) sections 159, 161 and 162 (repatriation);

(c) in CHAPTER VIII (RULES):—

all powers conferred by section 163, except in so far as the same relate exclusively to labourers and their dependants;

(d) in Chapter IX (PENALTIES AND PROCEDURE);

(i) sections 176, 177, 181, 182 and 183, (offences connected with transport by river); and

(ii) sections 185 and 186 (offences by employers); and

(e) in CHAPTER X (MISCELLANEOUS):—

(i) section 215 (recovery of sums due); and

(ii) sections 218 to 223 (fines, etc.), Assistant Inspector, officers' powers, exemption, prior notifications, and repeal.)

(2) Except as indicated in sub-section (1), nothing in Chapters II to IV inclusive or in Chapters VI to X inclusive shall apply to persons engaged or assisted to emigrate under this Chapter and not bound by labour-contracts.

CHAPTER VI.

TRANSPORT.

Routes, etc.

94. Every person who forwards or accompanies labourers or emigrants under Chapter V or their dependants to a labour-district shall forward or take them by the prescribed route, or one of the prescribed routes, and shall conform to the rules made under this Act, in so far as the said rules apply to himself and to the persons emigrating under his charge.

Transport by River.

95. Nothing in this Chapter shall apply to the transport by sea of natives of India to the labour-districts.

96. (1) No master shall receive more than twenty passengers, being natives of India, on board his vessel for the purpose of transporting them to a labour-district, unless a license to carry passengers in his vessel

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(Chapter VI.—Transport.—Sections 97-106.)

has been granted to him under this Chapter by an Embarkation Agent duly empowered in that behalf by the Local Government.

(2) The Local Government may, by notification in the local official Gazette, exempt from the provisions of this section any vessel or class of vessels.

97. (1) The master or owner of any vessel who desires to obtain a license under this Chapter to carry passengers in his vessel shall make a written application for a license to an Embarkation Agent empowered as aforesaid.

(2) Every application made under sub-section (1) shall state such particulars respecting the vessel as the Local Government may, by rule, prescribe.

98. Where the Embarkation Agent to whom an application is made under section 97, sub-section (1), is of opinion that the vessel is in all respects suitable for carrying passengers being natives of India to a labour-district, he shall give to the master of the vessel a license to carry passengers therein, specifying the number of passengers, being natives of India, who may be received on board.

99. Such fee, not exceeding sixteen rupees, as the Local Government may, with reference to the size of the vessel, by rule, direct, shall be paid for every license granted under section 98, and no license so granted shall be in force for more than one voyage:

Provided that a license may, with the previous sanction of the Local Government, be granted under the said section to the master of any vessel for any term not exceeding one year, on payment of such fee, not exceeding one hundred rupees, and on such conditions, as the Local Government may, by rule, prescribe.

100. (1) Any Embarkation Agent may, in accordance with such rules as the Local Government may make in this behalf, direct, by order in writing, that, on any particular voyage or part of a voyage, any master licensed under this Chapter shall not receive on board his vessel more than a specified number of passengers, being natives of India, which number shall be less than the number specified in the license granted to the master.

(2) In computing the number of persons on board a vessel, two children under the age of ten years shall, for the purposes of this Chapter, be reckoned as one person only.

101. Every master licensed under this Chapter shall keep such lists, submit such returns, and make such reports in regard to the passengers

carried in his vessel, as the Local Government may, by rule, prescribe.

102. Every master licensed under this Chapter shall have on board his vessel carrying labourers provisions, clothing, medical and other officers, cooks, etc., and their dependants such supplies of provisions and clothing, and such medical and other officers, cooks and attendants, as the Local Government may, by rule, prescribe.

103. No medical officer shall be appointed to any vessel in respect of which a license is granted under this Chapter, unless he holds a license granted by such authority as the Local Government may appoint in that behalf; and any medical officer so licensed shall be forthwith removed from his appointment on the requisition of any officer empowered by the Local Government to make such a requisition.

Departure of Passenger-vessels and Procedure during Voyage.

104. Where it appears to an Embarkation Agent that the departure of a vessel in respect of which a license is granted under this Chapter is unduly delayed beyond the date fixed by the order of a Superintendent or of the Local Government, or notified by advertisement in the public press, for such departure, he may order the master of the vessel to proceed on his voyage at once.

105. (1) No master licensed under this Chapter shall proceed on a voyage with his vessel carrying labourers until he has received from the Embarkation Agent the way-bills relating to all labourers on board in respect of whom way-bills are required by this Act or by the rules made thereunder.

(2) The Embarkation Agent and the master of the vessel shall together personally ascertain that the number of such labourers on board corresponds with the number entered in the way-bill.

(3) The Embarkation Agent shall send a copy of every way-bill granted under sub-section (1) to the Magistrate of the labour-district to which such labourers are proceeding.

106. No master licensed under this Chapter shall cause or permit any labourer entered in any such way-bill finally to leave his vessel at any place other than that named in the way-bill as the destination of the labourer:

Provided that nothing in this section shall be deemed to prevent the master of a vessel from permitting such labourers to disembark at any place on the voyage so long as the disembarkation is not intended, or known to be likely, to be final, nor to prevent the final disembarkation of any such labourers or the transfer of such labourers with their dependants to another vessel in case of accident or unavoidable necessity

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Provided also that every such accident or necessity as aforesaid shall forthwith be reported by the master to the Embarkation Agent by whom he was licensed, and to the nearest Magistrate in the district within which the accident has occurred or the necessity has arisen.

107. (1) Every master licensed under this Chapter shall stop his vessel carrying passengers, being natives of India, at such places, being places where a Magistrate is stationed, and shall, unless the Magistrate permits him to depart earlier, remain at each such place for such time, not exceeding six hours of daylight, as the Local Government may direct.

(2) The master shall, on arriving at such a place as aforesaid, immediately report to the Magistrate the number of the crew and other persons on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on board his vessel.

108. (1) Any Magistrate may, while a vessel in respect of which a license is granted under this Chapter is within the local limits of his jurisdiction, go on board the vessel and inspect it and all persons, being natives of India, on board.

(2) The master and officers of any such vessel as aforesaid shall afford to the Magistrate every facility for inspection, and give him all such information as he may reasonably require respecting the labourers or other persons on board, the deaths (if any) which have occurred on board, and any other facts affecting the health of the passengers.

109. Any Magistrate may, while a vessel in respect of which a license is granted under this Chapter is within the local limits of his jurisdiction, regulate the communication between the vessel and the land, and prohibit all persons from leaving the vessel, and all persons on land from proceeding on board.

110. (1) Any Magistrate may, if he has reason to believe that any passengers, being natives of India, on board a vessel within the local limits of his jurisdiction, in respect of which a license is granted under this Chapter, are, or are likely to be, affected with any dangerously infectious or contagious disease, detain the vessel and depute the civil medical officer of the district or any other qualified medical officer to inspect such passengers as aforesaid and to report on their health, stating whether any or what measures are requisite for the removal or prevention of the dangerously infectious or contagious disease.

(2) On receiving the report of the medical officer so deputed, the Magistrate may order any such passenger as aforesaid who is suffering from any dangerously infectious or contagious disease to be disembarked and detained for medical treatment.

111. (1) Where, on receiving the report of a medical officer deputed under section 110, sub-section (1), it appears to a Magistrate that a labourer or any dependant of any such labourer, though not suffering from a dangerously infectious or contagious disease, is not in a fit state of health to proceed to the labour-district in which the labourer has contracted to labour, he may order the labourer or dependant to be detained, and shall cause all necessary arrangements to be made for his accommodation, support and medical treatment.

(2) Any expenditure incurred under sub-section (1) may be recovered from the employer of the labourer concerned.

112. (1) Where, in the opinion of a medical officer deputed under section 110, sub-section (1), it is dangerous to the health of the general body of the passengers to allow the vessel to proceed until measures have been taken to cleanse and disinfect her, the Magistrate may detain the vessel for a further period, not exceeding three days, for the purpose of carrying out those measures.

(2) Any expenditure incurred under sub-section (1) may be recovered from the master or owner of the vessel.

113. (1) Where it appears to a Magistrate making an inspection of a vessel, in respect of which a license is granted under this Chapter, that the number of passengers on board, being natives of India, is larger than the number specified in the license or than the number specified in an order of an Embarkation Agent made under section 100, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found.

(2) Any expenditure incurred in maintaining passengers detained under sub-section (1) and in forwarding them to their destination may be recovered from the master or owner of the vessel.

114. Where it appears to a Magistrate making an inspection of a vessel in respect of which a license is granted under this Chapter, that any of the provisions of this Act or of any rule thereunder have not been complied with in respect of the vessel, he shall report the fact to the Embarkation Agent by whom the license was

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(Chapter VI.—Transport.—Sections 115-116. Chapter VII.—Provisions as to the Labour-districts.—Sections 117-121.)

granted; and, if he considers it necessary to do so, he may detain the vessel until such provisions as aforesaid have been so complied with as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

115. (1) The Local Government may, make Power to make rules regulating disembarkation and other matters.

- (a) the disembarkation of labourers and their dependants, and their inspection and accommodation on arrival at their destinations;
- (b) the detention of labourers and their dependants at debarkation-depôts;
- (c) the forwarding of labourers to their destinations and the closing and return of way-bills by employers.

(2) Any expenditure incurred in pursuance of any rules made under sub-section (1) may be recovered from the employers of the labourers concerned.

116. The District or Subdivisional Magistrate may authorize any subordinate Magistrate, medical officer or officer of police above the rank of sub-inspector to exercise the powers and authorities conferred, and to perform the duties imposed, on a Magistrate under sections 107 to 114.

CHAPTER VII.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

Annual Rate payable by Employers.

117. (1) Every employer shall, on the first day of January and the first day of July in each year, pay in respect of each labourer then in his employ such rate, not exceeding an annual sum of one rupee, as the Local Government may, by notification in the local official Gazette, direct.

(2) On the failure of an employer, for the space of one month after the receipt of a notice in such form and served in such manner as the Local Government may prescribe, to pay any sum due under sub-section (1), the same may be recovered from him.

Local labour-contracts.

118. (1) Any employer may enter into a labour-contract for a term, not exceeding one year commencing from the date of the execution of the labour-contract, with any native of India within the labour-district in which the estate to which the labour-contract refers is situate.

(2) Where an employer has under sub-section (1) executed a labour-contract within a labour-

district, he shall, within one month from the date of the execution of the labour-contract, forward it in duplicate to the Inspector within the local limits of whose jurisdiction the estate is situate. On receipt of the labour-contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the labour-contract to the labourer and the other to his employer.

119. When, for the first time after the registration, under section 118, sub-section (2), of a labour-contract with a labourer, the Inspector visits the estate on which the labourer is employed, the employer shall cause the labourer to appear before the Inspector for the purpose of having his contract verified, and the labourer may thereupon apply to the Inspector to cancel his labour-contract; and, if the labourer shows cause sufficient, in the opinion of the Inspector, to justify the cancellation of his labour-contract, the Inspector shall cancel the same and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the labour-contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

120. The Inspector or Magistrate may, either on the application of the employer or the labourer or of his own motion, require the employer to cause any labourer who has entered into a labour-contract under section 118 and is employed upon any estate within the local limits of the jurisdiction of the Inspector or Magistrate, to appear before him for the purpose of having his labour-contract verified; and, if the labourer applies to the Inspector or Magistrate to cancel his labour-contract and shows cause which the Inspector or Magistrate, after considering any cause which may be shown by the employer to the contrary, considers sufficient to justify its cancellation, the Inspector or Magistrate shall cancel the same as provided by section 119.

121. (1) Notwithstanding the provisions of section 118, an employer may enter into a labour-contract with any native of India in a labour-district for a term not exceeding four years commencing from the date of the execution of the labour-contract, if he appears, or deposes some person to appear on his behalf, with the native of India before the Inspector or Magistrate within the local limits of whose jurisdiction the estate to which the labour-contract refers is situated.

(2) The Inspector or Magistrate shall thereupon explain the labour-contract to the native of India, and shall, if satisfied that he is competent to enter into and understands the same, call upon him and the employer or the person deputed as aforesaid to execute it in his

*The Assam Labour and Emigration Act, 1901.**(Chapter VII.—Provisions as to the Labour-districts.—Sections 122-126.)*

presence; and, if they execute it, shall attest the execution with his signature.

(3) An abstract of every labour-contract executed under this section shall be entered in a register to be kept by the Inspector or Magistrate for the purpose; and one copy of the labour-contract shall then be given to the labourer and the other to his employer or the person deputed as aforesaid.

(4) In respect of every labour-contract, an abstract whereof is registered under section 118 or under this section, the employer who executes the labour-contract in person or the person deputed to execute the same on his behalf shall pay to the Inspector or Magistrate such fee, not exceeding one rupee, as the Local Government may direct.

Employers' Returns and Magistrates' Inspections.

122. (1) Every employer shall keep such registers of all labourers and other persons employed on the estate of which he is in charge, and of their dependants, in such form, and shall make to the Inspector, within the local limits of whose jurisdiction the estate is situate, such periodical returns in writing, as the Local Government may, by rule, prescribe.

(2) The Inspector may examine the registers so kept and muster all labourers and other persons employed on any estate within the said local limits, and may verify the accuracy of the entries in the registers, or in any prescribed periodical return.

123. Any Inspector or Magistrate, or any person authorized by either of them in writing in this behalf, may enter and inspect all lands and houses wholly or partially used by or for labourers, or by or for any other natives of India employed on any estate, and may require that all such labourers or other natives of India as aforesaid, or any particular class or classes or individual or individuals of them, shall be brought before him, and that a copy of the labour-contract of any labourer shall be produced, and may make any inquiries which he thinks proper touching the condition or treatment of such labourers or other natives of India as aforesaid or any of them; and the employer shall be bound to comply with every requisition and to answer every inquiry so made to the best of his ability.

Regulation of Labour.

124. (1) Every employer shall prepare a schedule specifying the daily task to be executed by each labourer employed on the estate of which the employer is in charge, and may, from time to time, alter any schedule so prepared.

(2) One copy of every schedule prepared under sub-section (1) shall be filed in a book, which shall be open to the examination of the Inspector, and translations thereof, in such languages as the Chief Commissioner of Assam may direct, shall be affixed in some conspicuous place accessible to the labourers to whom the schedule relates.

(3) The minimum payment for each daily task shall be the quotient resulting from dividing the monthly wage of the labourer concerned by the number of working days in the current month. The number of working days in a month shall be ascertained by deducting the number of Sundays from the whole number of days in the month.

125. (1) No labourer shall be bound to labour more than six days in one week, or more than six consecutive hours, or more than nine hours in one day.

(2) Every employer shall, on six days in each week, provide for each labourer work sufficient to enable him to earn at least his minimum daily wage; and, failing such due provision of work, the labourer shall, if he can show that he was able and willing to labour for the same, be entitled to claim his minimum daily wage.

(3) On or before the fifteenth day of each month the employer shall pay to every labourer in his employment the wages earned by the labourer during the preceding month and still unpaid.

126. (1) Where the Inspector considers that any schedule of daily tasks, or any part thereof, is unreasonable, he may, by order in writing, direct that such reduction as is specified in the order be made in the scheduled daily tasks.

(2) The employer shall at once make the reduction so ordered, but may, if dissatisfied with the order of the Inspector, by notice in writing, require the Inspector to summon a Committee to inquire into the schedule.

(3) Every Committee summoned under sub-section (2) shall consist of—

- (a) the Inspector,
- (b) some person to be nominated by the employer whose schedule is to be inquired into, and,
- (c) if practicable, a medical officer.

(4) Where the employer fails to nominate a person within seven days after being thereunto requested in writing by the Inspector, the Inspector, instead of the employer so failing, may nominate a person.

(5) Where the Committee consists only of the Inspector and of a person nominated by the employer or Inspector, the Inspector shall have the casting vote.

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127. (1) Where the Committee, or a majority thereof, is of opinion that the scheduled daily tasks or any of them are unreasonable, the Committee shall order them to be modified and reduced in such manner as it may think fit.

(2) The employer shall thereupon alter the schedule accordingly, and copies and translations of the same so altered shall be filed and affixed in the manner provided by section 124, and shall, as between him and the labourers concerned, take the place of the former schedule.

128. (1) Notwithstanding anything contained in any schedule of daily tasks, the Inspector may order that any specified labourer, who is, in his opinion, unable from weakness to earn by his labour the sum of one anna and a half per diem, according to the schedule, shall receive, in lieu of actual earnings, subsistence-allowance at the rate of one anna and a half per diem, or diet on a scale to be approved by the Inspector.

(2) Any subsistence-allowance ordered under sub-section (1) may be recovered from the employer of the labourer concerned.

Incapacity for Labour.

129. (1) The Inspector within the local limits of whose jurisdiction a labourer is employed may suspend contract of any labourer temporarily if he is, in the opinion of the Inspector, temporarily unfitted, by reason of sickness or any other sufficient cause, for the performance thereof.

(2) Every release granted under sub-section (1) shall be endorsed by the Inspector on the labour-contract, and the time during which the release continues shall not be reckoned as part of the term for which the labourer is bound to serve.

(3) Every labourer released as aforesaid shall, during the release, receive such subsistence-allowance from his employer as the Inspector may think sufficient.

130. (1) Where any labourer is compelled, by reason of sickness, to absent himself from work, he shall receive from his employer, for each day on which he is so absent, subsistence-allowance at the rate of one anna and a half, or, if in hospital, sick-diet on a scale to be approved by the Inspector.

(2) Where the period during which a labourer is so absent exceeds the total number of thirty days in any one year, and the employer, as soon as that number is exceeded, gives the labourer a notice in writing to that effect, each day of absence in excess of that number shall be added to the term of the labour-contract, unless the labourer refunds to the employer the

sum of one anna and a half for each day so in excess.

(3) The Inspector shall, from time to time, when visiting the estate, on the application of the employer, and may also at any other time, on the application of either the employer or a labourer, endorse on the labour-contract of the labourer, after such inquiry as he may think necessary, the number of days so to be added to the term thereof:

Provided that an employer, who omits to apply for such endorsement as aforesaid at the time when the Inspector is actually visiting the estate, shall, in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, be debarred from applying afterwards for endorsement in so far as days of absence which occurred prior to the date of the Inspector's last visit are concerned.

131. (1) Where, in the opinion of the Inspector, a labourer is permanently incapacitated for the performance of his labour-contract or any material part thereof, the Inspector shall certify to that effect in writing and deliver the certificate to the employer of the labourer or to the representative of the employer, and, from the date of the certificate, the labour-contract of the labourer shall wholly determine.

(2) Every labourer whose labour-contract so determines shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the Inspector may award.

(3) Every sum so awarded and any such subsistence-allowance as is provided for by section 129 or section 130 may be recovered from the employer of the labourer concerned.

Accommodation for Labourers.

132. Every employer shall be bound to provide for the labourers employed on the estate of which he is in charge such house-accommodation, water-supply and sanitary arrangements as the Local Government may, by rule, prescribe.

133. (1) Where the food-grain commonly used by any class of labourers is not procurable by them at reasonable prices in the local markets near the estate on which they are employed, their employer shall be bound to supply them therewith at a reasonable price.

(2) The Local Government may, by notification in the local official Gazette, declare, either generally or for each district or part of a district, what shall, for the purposes of this section, be deemed to be a reasonable price.

*The Assam Labour and Emigration Act, 1901.**(Chapter VII.—Provisions as to the Labour-districts.—Sections 159-162.)**(Chapter VIII.—Rules.—Section 163.)*

by the labourer from his employer, as provided by that section, order the employer to deposit such amount, whether in excess of the three months' wages awardable under that section or otherwise, as shall, in the Inspector's opinion, be sufficient to cover the entire expenses of sending the labourer back to his native district. The amount shall be deposited by the employer in the Inspector's office and shall be expended by the Inspector in sending the labourer back to his native district.

(2) On the failure for the space of twenty-four hours of an employer to comply with an order made under sub-section (1), the Inspector may expend the amount specified in the order, and may recover the same from the employer of the labourer concerned.

159. Where any person, being a native of India but not being a labourer, who has emigrated from his native district to a labour-district for the purpose of labouring for hire in any estate situate therein, or, being a dependant of any person who has so emigrated, has no means of subsistence, and is, in the opinion of the Inspector or Magistrate, permanently incapacitated from earning his livelihood in a labour-district, the Inspector or Magistrate may, on the application of such person, send him back, together with his dependants (if any), to his native district, and may, subject to the control of the Local Government, charge the expenses incurred in so doing to the Labour Transport Fund constituted under section 218.

160. (1) Subject to any orders which the Local Government may make in this behalf, the Inspector or Magistrate may, if he thinks fit, detain and may send back to his native district any labourer, together with his dependants (if any), whose contract has been cancelled under section 119 or section 120 on the ground of coercion, undue influence, fraud or misrepresentation, or of any irregularity in connection with his recruitment or the execution of his contract.

(2) Any expenditure incurred under sub-section (1) may be recovered from the employer on whose estate the labourer concerned was under contract to labour.

161. (1) Where it appears to the Inspector or Magistrate, on complaint made before him or otherwise, that there is reason to suppose that any native of India, not being a labourer, has been induced by any coercion, undue influence, fraud or misrepresentation to emigrate to a labour-district, the Inspector or Magistrate shall call upon the employer on whose behalf the person was made or induced to emigrate, or to whose estate he is being or has been conveyed, or, if the employer cannot be communicated with without undue

delay, upon his agent or anyone who is accompanying or conveying the person or has forwarded or otherwise assisted him to emigrate to any labour-district or estate, to appear before the Inspector or Magistrate and show cause why the person should not be sent back to his native district.

(2) Where the Inspector or Magistrate is of opinion, after such inquiry as he thinks sufficient, that such person as aforesaid was engaged or compelled or induced to emigrate by any such coercion, undue influence, fraud or misrepresentation as would justify his being sent back to his native district, the Inspector or Magistrate shall record a finding to that effect and shall, if necessary, detain the person and shall send him, if he so desires, together with any other persons dependent on him, back to his native district.

(3) Subject to any orders which the Local Government may make in this behalf, any expenditure incurred under this section may be recovered from the employer on whose behalf the person concerned was induced to emigrate or to whose estate he was being or had been conveyed, or, if the employer is not known, or if there is no employer, the person who is accompanying or conveying the person concerned or has forwarded or otherwise assisted him to emigrate to any labour-district or estate.

162. (1) Where a labourer or other person is sent back to his native district under section 158, 160 or 161, the Inspector or Magistrate may provide an escort or make such other arrangements as he may think necessary for ensuring that the labourer or person is actually conveyed to his native district.

(2) Any expenditure incurred under sub-section (1) may be recovered as part of the amount expended in sending the labourer or other person back to his native district.

CHAPTER VI.

RULES.

163. (1) In addition to the powers hereinbefore conferred, the Local Government may make rules to carry out any of the purposes and objects of this Act in the Province.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) define and regulate the powers and duties of the several officers appointed by it under this Act;

(b) prescribe what returns and reports shall be made under this Act by any such officers as aforesaid or by any con-

*The Assam Labour and Emigration Act, 1901.**(Chapter VIII.—Rules.—Section 163.)*

- tractors or local agents within the Province and the form in which they shall be respectively so made;
- (c) prescribe the forms of all registers, licenses, certificates, permits and notices required under this Act with respect to the Province;
- (d) prescribe the fees to be paid for any license granted under this Act by any officer appointed by it, and for the registration of labourers or their dependants in any district in the Province;
- (e) prescribe the particulars to be registered by a Registering-officer in respect of each person who is brought before him in any district in the Province for registration as a labourer or dependant;
- (f) provide for the management and regulation of contractors' depôts and of hospital depôts situate within the Province, and for the support and medical treatment of labourers and their dependants passing through such depôts;
- (g) provide for the accommodation, food, clothing and medical treatment of all labourers and their dependants detained on account of sickness by order of a Magistrate at any place within any district in the Province;
- (h) prescribe the conditions upon which any officer appointed by it may grant licenses to masters of vessels carrying passengers to any labour-district; provide for the ventilation, cleanliness and water-supply of such vessels in respect of which licenses are granted hereunder by any such officer; and prescribe the lists, returns and reports to be kept and submitted by the masters of such vessels;
- (i) prescribe the description, quantity and quality of provisions, medical drugs and other stores to be taken on board such vessels carrying labourers when such vessels are within the Province, and the daily allowance to be issued to each labourer and dependant during the journey through the same; prescribe the number of officers, cooks and other servants to be carried on board such vessels; and provide generally for the accommodation of labourers and their dependants on such vessels;
- (j) provide for the detention and inspection of such vessels and of all the passengers, being natives of India, carried in such vessels, while in transit through the Province;
- (k) declare the routes through the Province by which labourers, emigrants under Chapter V and dependants shall travel to the labour-districts;
- (l) prescribe the clothing to be supplied to labourers, emigrants under Chapter V and dependants while proceeding to the labour-districts through the Province;
- (m) require depôts and rest-houses to be provided by and at the cost of employers, contractors or agents for the accommodation of labourers, emigrants under Chapter V and dependants on any prescribed route, and provide for the sanitation and superintendence of such depôts and rest-houses;
- (n) prescribe the mode and the numerical strength of the parties in which labourers, emigrants under Chapter V and dependants are to travel, the arrangements to be made by and at the cost of employers, contractors or agents for facilitating the journey of labourers, emigrants under Chapter V and dependants, the length of daily marches by road, and the provision to be made by and at the cost of employers, contractors or agents for the carriage of labourers, emigrants under Chapter V and dependants when suffering from sickness;
- (o) regulate the food to be supplied by and at the cost of employers, contractors or agents to labourers, emigrants under Chapter V and dependants, and the provision to be made for the proper cooking of such food;
- (p) regulate the water-supply to be maintained by and at the cost of employers, contractors or agents for the use of labourers, emigrants under Chapter V and dependants;
- (q) require suitable hospital-accommodation, medical treatment and maintenance to be provided by and at the cost of employers, contractors or agents for labourers, emigrants under Chapter V or dependants when suffering from sickness on their journey to a labour-district;
- (r) regulate the arrangements to be made by and at the cost of employers, contractors or agents in case of the death of any labourer, emigrant under Chapter V or dependant during the journey to a labour-district;
- (s) prescribe the house-accommodation, water-supply, sanitary arrangements and amount and kind of food-grains to be provided by employers for their labourers, and regulate the rations to be supplied to labourers under this Act in the labour-districts in the Province; and
- (t) provide for the hospital-accommodation and medical treatment of labourers in such labour-districts, and prescribe the nature, quality and quantity of medical drugs and other stores to be provided for such labourers.

*The Assam Labour and Emigration Act, 1901**(Chapter VII.—Provisions as to the Labour-districts.—Sections 146-152.)*

the Inspector under that section, shall again be bound to labour on the estate or area, as the case may be, to which the certificate relates for the unexpired periods (if any) of their respective contracts.

Complaints made by Labourers.

146. Where a labourer states to his employer or any person acting on behalf of his employer, that he desires to make a complaint to the Inspector or to a Magistrate of personal ill-usage or breach, on the part of his employer or such person as aforesaid, of any of the provisions of this Act or of any rule thereunder, the person to whom the statement is made shall forthwith send the labourer to the Inspector or Magistrate within the local limits of whose jurisdiction the estate wherein he is employed is situate:

Provided that, where more than ten labourers at any one time so state their desire to make such a complaint, the person to whom the statement is made may, instead of sending them to such Inspector or Magistrate as aforesaid, give the Inspector or Magistrate notice, in writing, of their complaint.

147. (1) Where a complaint is made to an Inspector or Magistrate under section 146, or where an Inspector or a Magistrate receives, under that section, notice in writing of a complaint, or where an Inspector or a Magistrate has other reasonable grounds for believing that an employer, or person acting on his behalf, has personally ill-used, or committed any such breach as is mentioned in section 146 in respect of, a labourer, the Inspector or Magistrate shall, as soon as may be, proceed to some place, not more than ten miles from the principal place of business of the employer, situate within the local limits of his jurisdiction, and inquire into the matter complained of:

Provided that, if the place in which an Inspector or Magistrate has reasonable grounds for believing that the ill-usage or breach has been committed is situate beyond the local limits of his jurisdiction, he shall, instead of inquiring into the matter himself, forthwith send information thereof in writing to the Inspector or Magistrate within the local limits of whose jurisdiction the ill-usage or breach has been committed.

(2) For the purposes of every inquiry made under sub-section (1), the Inspector or Magistrate may summon and examine any person as a witness.

148. (1) Where, upon an inquiry made under section 147 on the complaint of a labourer, the Inspector or Magistrate is of opinion that the complaint is untrue or frivolous or vexatious, he shall dismiss the complaint; and in that event shall endorse on the employer's copy of the complainant's

labour-contract the number of days during which the complainant has been absent from work in consequence of the inquiry, and the number of days so endorsed shall be added to the period for which the complainant contracted to labour.

(2) Every endorsement made under sub-section (1) shall be conclusive evidence that the complainant has absented himself from his labour voluntarily and without reasonable cause during the number of days so endorsed.

149. (1) Where a complaint is dismissed under section 148, the Inspector or Magistrate may award to the employer any reasonable compensation on account of the expense incurred by him in connection with the complaint, and shall endorse the amount of the compensation so awarded on the complainant's copy of the labour-contract.

(2) The complainant shall be bound to pay the amount awarded under sub-section (1); and, in default of payment, his labour contract shall not be deemed to have determined until he has worked off the amount at the rate of one day's labour for each four annas of the same.

150. (1) Where, upon an inquiry made under section 147 by a Magistrate or by an Inspector who is a Magistrate, the Magistrate or Inspector is of opinion that there is sufficient ground for proceeding with the case, he shall dispose of the same according to law.

(2) Where the Inspector is not a Magistrate and is of such opinion as aforesaid, he shall without delay send the complainant and his witnesses (if any) to the nearest Magistrate, who shall thereupon dispose of the case according to law.

151. (1) Where, upon the complaint of a labourer, it is proved to the satisfaction of a Magistrate, that the wages of the labourer are in arrear for two months after the first day of the month succeeding the month in which they were earned, or where it is proved to the satisfaction of a Magistrate that the wages of a person whose labour-contract has determined have been withheld for any period after determination, the Magistrate may award to such labourer or person as aforesaid the amount which appears to be then due to him, and also, by way of compensation, such further sum, not exceeding that amount, as to the Magistrate seems just.

(2) On the failure of an employer to pay any amount awarded under sub-section (1), the Magistrate may recover the same from the employer and pay it to the labourer or other person concerned.

152. (1) Where it is proved to the satisfaction of a Magistrate—

Power to cancel contract on conviction of employer or accumulation of arrears of wages.

(a) that an employer, or any person placed by an employer in authority over a

*The Assam Labour and Emigration Act, 1901.**Chapter VII.—Provisions as to the Labour-districts.—Sections 153-158.)*

labourer, has been convicted of any offence causing injury to the person or loss or damage to the property of the labourer, and, under the Code of Criminal Procedure, 1898, triable exclusively by the Court of Session; or

(b) that an employer or any person placed by an employer in authority over a labourer has been twice convicted of any such offence as aforesaid against the labourer and under the said Code triable by a Magistrate; or

(c) that the wages of a labourer are in arrear to an amount exceeding the whole of his wages for four months; or

(d) that a labourer has been compelled by his employer or by any person placed by his employer in authority over him to perform any labour while he was unfit for it, or has been subjected to ill-usage by his employer or any such person as aforesaid;

the Magistrate may, if he thinks fit, on the application of the labourer aggrieved, cancel the labour-contract of the labourer and award to him compensation not exceeding thirty rupees.

(2) Every cancellation under sub-section (1) shall be certified by the Magistrate on the back of the labourer's copy of the labour-contract, or, if that copy is not forthcoming, by writing under the Magistrate's hand delivered to the labourer.

153. (1) Where it appears to the Local Government that the condition of the labourers on an estate, or of any class or any considerable number of them, is unsatisfactory owing to the insufficiency of their earnings to maintain them in health and comfort, the Local Government, after such inquiry as it thinks necessary, may direct that the labour-contracts of all such labourers be cancelled.

(2) No labour-contract shall be cancelled under this section until the employer has been given an opportunity for showing cause why it should not be cancelled.

154. Where the labour-contract of a labourer is or has been cancelled or has been determined under section 119, section 120, section 131 or section 152, the Inspector or Magistrate, as the case may be, may in his discretion and on the application of the labourer concerned cancel the labour-contract of any labourer employed on any estate belonging to the same employer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or has so determined.

Power to cancel contract of labourer related to labourer whose contract is cancelled or determined.

Inspector or Magistrate, as the case may be, may in his discretion and on the application of the labourer concerned cancel the labour-contract of any labourer employed on any estate belonging to the same employer, being the wife, husband, father, mother, son or daughter of the labourer whose labour-contract is or has been so cancelled or has so determined.

Determination of Labour-contracts.

155. (1) Whenever a labour-contract determines, the employer shall endorse on the labourer's copy of the contract the fact of determination, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect; and, where the employer refuses or neglects to do so, the Inspector may, on application by the labourer, make such endorsement or give such certificate as aforesaid.

Endorsement of determination on labour-contract.

(2) The employer shall give to the Inspector notice in writing of such determination as aforesaid within one month after the date thereof.

156. (1) Where a labourer is able and desirous to redeem the unexpired term of his labour-contract, or the labour-contract of any member of his family, by payment of a sum equivalent to the value of the unexpired term, the labourer may require his employer to take him, or allow him to go, before the Inspector within the local limits of whose jurisdiction he is employed; and, on his depositing such sum as aforesaid with the Inspector, the Inspector shall give notice to the employer to show cause within one week why the labourer should not be released from his contract.

(2) If no sufficient cause is shown as aforesaid, the Inspector shall require the labourer's copy of the contract to be produced, and on production thereof shall endorse thereon a certificate that he has been released under this section from his contract, or, if that copy is not forthcoming, shall deliver to the labourer a certificate under his hand to the like effect; and shall, in either case, hold the sum so deposited to the credit of the employer of the labourer.

(3) The value of the unexpired term of a labour-contract shall, for the purposes of this section, be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year, and of five rupees for every such month of the third and fourth years of the original term of the contract.

Provided that, if a person who has completed four years' service under a labour-contract enters into a new labour-contract for one year, he shall not be entitled to redeem the unexpired portion of such new labour-contract unless on the payment of two rupees for each month of the said unexpired portion.

157. (1) Where a labourer determines at a time different from that of any other labourer who is the wife or husband of that labourer, the Inspector or Magistrate may, on the joint application of both labourers, equalize the terms of their respective contracts, and may, for this purpose, add to the term of the contract which expires first, and deduct from the term of the contract which expires last, in such proportions as may appear to him to be equitable.

Power to equalize terms of contract in case of husband and wife.

(2) Every addition or deduction from the term of any labour-contract made under sub-section (1) shall be certified by the Inspector or Magistrate on the back of both the employer's and the labourer's copies of the contract, or, if those copies are not forthcoming, by writing under the Inspector's or Magistrate's hand, copies of which shall be delivered to the employer and the labourer.

Repatriation of Labourers and Others.

158. (1) Where any labourer, not being a native of the labour-districts, whose labour-contract has determined under section 131, desires to be sent back to his native district, the Inspector may, instead of awarding a sum as receivable

Repatriation of labourer whose labour-contract has determined under section 131.

*The Assam Labour and Emigration Act, 1901.**(Chapter VII.—Provisions as to the Labour-districts.—Sections 134-139.)*

134. (1) Subject to such rules as the Local Provisions for ration- Government may make in this behalf, any Inspector may, by order in writing,—

(a) direct that, on any specified estate within the local limits of his jurisdiction, all labourers or any specified class of labourers shall be furnished by their employers with rations, cooked or uncooked, on such scale and for such period, not exceeding three months from the date of their arrival on the estate, as may be specified in the order;

(b) direct that any specified labourer shall be exempt from the effect of any general order so made, if he is satisfied that the labourer is able to earn a full wage and desires to provide himself with proper and sufficient food;

(c) direct that any specified labourer shall be furnished with rations for any term not exceeding six months, and renew that direction for a like term.

(2) The cost of each labourer's ration furnished to him in accordance with any direction given under sub-section (1) shall be calculated at current rates as determined by the Inspector, and shall be deducted from any wages earned by the labourer during the period for which the direction is in force.

135. Where, in the opinion of the Inspector, an employer does not provide such hospital-accommodation and medical attendance, in a suitable place available to the labourers employed upon the estate of which he is in charge, or does not make such provision for the medical treatment of his labourers, as the Local Government may direct, the Local Government may require the employer to contribute to the support of a central hospital to be established, or to the pay of a medical officer to be appointed, such sum, proportionate to the number of labourers so employed, as it thinks fit.

136. (1) Any Inspector or Assistant Inspector, who is himself a Magistrate, may, with respect to any estate situate within the local limits of his jurisdiction, inquire whether the employer in charge of the estate has provided for his labourers house-accommodation, water-supply, sanitary arrangements, food-grains and rations in accordance with any rules made by the Local Government under sections 132 or 134 or any notification issued under section 133.

(2) At the instance of any Inspector or Assistant Inspector, a similar inquiry may be made by a Magistrate.

(3) Every inquiry under this section shall be made at some place on, or within ten miles of, the estate to which it relates, and shall be conducted and dealt with as if it were an enquiry by a Magistrate under the Code of Criminal Procedure, 1898.

Localities unfit for the Residence of Labourers

137. (1) Where, in the opinion of the Inspector or, an estate or portion of an estate situate within the local limits of his jurisdiction is, at any time, by reason of climate, situation or condition, unfit for the residence of labourers, or of any particular class of labourers, he shall give notice, in writing, of his opinion to the District Magistrate, who shall forthwith, by order in writing, summon a Committee to inquire into the matter.

(2) The District Magistrate may also of his own motion summon a Committee, where, either from his own observation or upon the report of an Inspector, Magistrate or medical officer, he is of opinion that an estate or portion of an estate is, for any of the reasons aforesaid, unfit for the residence of labourers or of any particular class of labourers.

(3) Every Committee summoned under this section shall consist of—

- (a) the District Magistrate;
- (b) the Inspector;
- (c) the civil medical officer of the district; and
- (d) one or more employers of labourers;

(4) Provided that, if the District Magistrate is unable to procure the service on the Committee of any employer of labourers, he may, with the previous sanction of the Commissioner of the division, appoint one or more persons qualified to serve on the Committee.

138. Where it appears to the Local Government, upon the report of an Inquiry by Committee by order of Local Government, Inspector, Magistrate or medical officer—

- (a) that an estate or portion of an estate is, for any of the reasons given in section 137, unfit for the residence of labourers or of any particular class of labourers, or
- (b) that the percentage of mortality of labourers or of any particular class of labourers employed on an estate or on portion of an estate is such as would justify the institution of an inquiry by a medical officer under section 142,

the Local Government may direct the District Magistrate to summon a Committee under section 137; and the District Magistrate shall forthwith proceed to summon a Committee accordingly.

139. Every Committee summoned under section 137 or section 138 shall, as soon as may be, inquire into the healthiness of the estate or portion to which the order appointing it relates, and shall hear and record such information on the subject as the owner of the estate or portion, or the employer in charge thereof, or the Inspector, may desire to place before it.

*The Assam Labour and Emigration Act, 1901.**(Chapter VII.—Provisions as to the Labour-districts.—Sections 140-145.)*

140. (1) Where the Committee, or a majority thereof, is of opinion that the estate or portion, or any part of the estate or portion, is unfit for the residence of labourers generally, or of any particular class of labourers, the Committee shall record a finding to that effect.

(2) Where a finding has been recorded under sub-section (1), no labourer, or no labourer of the particular class to which the finding relates, as the case may be, shall be bound by any labour-contract to labour on the estate or portion, or part of the estate or portion, as the case may be, which is found unfit for the residence of such labourers.

(3) Where a labourer is released under sub-section (2) from the performance of his labour-contract to labour on any estate, he shall be bound to labour on any other estate belonging to the same owner or in charge of the same employer and situate in the same labour-district; or, where the finding relates only to a portion of an estate, on any other portion of the same estate. Where the finding relates to the whole of any estate and the owner has no other estate or the employer has charge of no other estate in the same labour-district on which the labourer may be employed, the Inspector shall cancel the labour-contract of the labourer, and shall thereupon make an endorsement that it has been cancelled on the labourer's copy of the contract, or, if that copy is not forthcoming, shall give to the labourer a certificate to the like effect.

141. The Local Government may call for the proceedings of any Committee summoned under section 137 or section 138, and, if the finding of the Committee is not unanimous, the Local Government may record any finding thereon which the Committee was competent to record, and the finding so recorded by it shall have the same effect as the finding of a Committee under section 140.

142. Where it appears to the Local Government that the number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding twelve months, or that the average annual number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding three years, bears a larger proportion to the whole number of labourers employed thereon during such period of twelve months or three years, as the case may be, than seven per cent., the Local Government, or the District Magistrate, may depute the civil medical officer of the district or any other qualified medical officer to inquire into and report on the following matters, namely:—

(a) the cause or causes of the mortality;

(b) the want (if any) of due care or precaution, and of the adoption of proper and available sanitary measures on the part of the owner of the estate or portion thereof, or of the employer in charge of the estate or portion, causing or contributing to the mortality;

(c) the fitness or otherwise of the estate or portion for the residence of labourers:

Provided that, when the mortality among any particular class of labourers employed on an estate or any specified portion of an estate exceeds the percentage specified in this section, the Local Government, or the District Magistrate, may direct an inquiry under this section limited to that particular class of labourers.

143. The medical officer deputed under section 142 shall, as soon as may be, inquire into the matters referred to therein and shall hear and record such information relating to those matters as the owner of the estate or portion, or the employer in charge of the same, or the Inspector, may place before him, and shall visit and inspect the estate or portion, and shall make a report expressing the reasons for his opinion, and transmit the same to the Local Government together with the information so recorded and the notes of his inspection of the estate or portion, and the Local Government shall cause the employer to be furnished with a certified copy of such report.

144. Where the Local Government, after perusal and consideration of the said report, information and notes, is of opinion that the mortality was caused by the want, on the part of the owner of the estate or portion, or the employer in charge of the same, of due care or precaution or of the adoption of proper and available sanitary measures, or that the estate or portion is unfit for the residence of labourers or of any particular class of labourers, it may make a declaration in writing to that effect, and the declaration so made shall have the same effect as the finding of a Committee under section 140.

145. (1) Where it appears to the Inspector that any estate or smaller area, which has been found, or declared under any of the foregoing provisions, to be unfit for the residence of labourers or of any particular class of labourers, has become fit for the residence of labourers or of that class of labourers, as the case may be, he shall, with the previous sanction of the District Magistrate of the district in which the estate or area is situate, give a certificate to that effect signed by him.

(2) On the grant of a certificate under sub-section (1), all such labourers as are mentioned or referred to in section 140, sub-section (3), whose contracts have not been cancelled by

*The Assam Labour and Emigration Act, 1901.**(Chapter IX—Penalties and Procedure.—Sections 164-169.)*

(3) Where an employer, contractor, agent or other person fails to perform any act which he is by any rule made under sub-section (2) required to perform, the Local Government may cause the act to be performed and the cost may be recovered from the employer, contractor or agent, as the case may be.

(4) In making any rule under this Act the Local Government may direct that every breach thereof shall be punishable with fine not exceeding in any case five hundred rupees.

(5) All rules made by the Local Government under this Act shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

CHAPTER IX.

PENALTIES AND PROCEDURE.

164. Whoever knowingly recruits, engages, induces or assists, or attempts to recruit, engage, induce or assist, any person to emigrate in contravention of any of the provisions of this Act or of any notification for the time being in force thereunder, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

165. Whoever, being a recruiter, wilfully gives false information to a Registering-officer regarding the name, caste, native district or village of any person produced before such officer for registration as a labourer or regarding any other particulars required to be entered in the register prescribed by section 34, sub-section (2), shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

166. Whoever, being a recruiter,—

(a) removes, or attempts to remove, any person to a depôt before he has been registered under section 34, or induces or attempts to induce him to go to a depôt or to leave the local limits of the jurisdiction of the Registering-officer before whom he ought to be brought under section 33, or aids or attempts to aid him in going to a depôt or in leaving any such local limits as aforesaid before he has been so registered; or

(b) induces or attempts to induce any person who has been so registered to proceed to any place other than the depôt which has been established by the contractor

on whose behalf the recruiter is licensed, or conveys or attempts to convey him to such place;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees in respect of every such person.

167. (1) Whoever, being a recruiter or a person deputed by a recruiter to accompany labourers to a depôt, fails to provide any labourer or any dependant whom he accompanies on the journey to the depôt with proper and sufficient food and lodging, or otherwise ill-treats the labourer or dependant on the journey, shall be punishable with fine which may extend to fifty rupees; and, in default of payment of the fine within twenty-four hours, with imprisonment for a term which may extend to one month.

(2) The convicting Magistrate may award the whole or any portion of any fine levied under sub-section (1) as compensation to the labourer in respect of whom, or of whose dependant, the failure or ill-treatment has occurred.

168. (1) Any labourer engaged by a recruiter who, having been registered under section 34, refuses or neglects when at the depôt to execute, in accordance with the provisions of section 44, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to the amount of the expense incurred in registering him and conveying him to the depôt and maintaining him therein; and, in default of payment of the fine, with imprisonment for a term which may extend to one month.

(2) Any labourer so punished may be forthwith discharged from the depôt.

(3) Every fine levied under sub-section (1) shall be paid to the contractor, sub-contractor or recruiter by whom such expense as aforesaid was incurred.

169. (1) Any labourer registered under section 34 who, without reasonable cause, refuses or neglects to execute, in accordance with the provisions of section 72, a labour-contract in conformity with the terms made known to him when he was registered, shall be punishable with fine which may extend to twenty rupees or to the amount of the expense reasonably incurred by the garden-sardar in procuring his registration, whichever amount is least.

(2) Every fine levied under sub-section (1) shall be paid to the garden-sardar by whom such expense as aforesaid was incurred.

*The Assam Labour and Emigration Act, 1901.**(Chapter IX.—Penalties and Procedure.—Sections 170-176.)*

170. Whoever, being a garden-sardar holding a certificate under Chapter IV,—
 Garden-sardar failing to report himself, etc.

(a) fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate; or

(b) fails, without sufficient cause, to return to his employer within the time specified in his certificate; or

(c) fails to account for the money advanced to him by his employer for the purpose of engaging labourers;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both;

and may, if a labourer under a labour-contract, on the application of his employer or of a person acting on behalf of the employer, be sent back or made over to his employer for the purpose of completing his term of service.

171. Whoever, being a garden-sardar holding a certificate under Chapter IV,—
 Garden-sardar, etc., abandoning labourers, etc.

(a) wilfully abandons any labourer or his dependant on the way to the labour-district; or

(b) removes or attempts to remove any person to a labour-district before he has executed a labour-contract in accordance with section 72; or

(c) induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of the garden-sardar before he has executed a labour-contract as aforesaid or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area as aforesaid before he has executed such labour-contract;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

172. (1) Whoever, being a garden-sardar holding a certificate under Chapter IV,—
 Garden-sardar making over labourers to contractors, etc.

(a) makes over to any contractor, sub-contractor or recruiter, or to the garden-sardar or local agent of any employer other than the employer by whom his certificate was granted, or, without authority from his employer, to any other person, any person whom he has engaged or intends to engage as a labourer; or

(b) places any such person as aforesaid in a contractor's depot or in the place of ac-

commodation provided by a recruiter in accordance with the provisions of section 29, sub-section (2); or

(c) allows any person engaged as a labourer by any contractor or sub-contractor or recruiter to share the accommodation provided by him under section 62;

shall be punishable with imprisonment for a term which may extend to six months, or, with fine, or with both, and his certificate may be impounded by the convicting Magistrate.

(2) Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned.

173. Any garden-sardar holding a certificate under Chapter IV or person appointed by him as provided by section 76, who accompanies labourers to the labour-districts and fails to present a way-bill as required by section 79, sub-section (1), or to carry out any of the instructions entered in the way-bill, shall be punishable with fine which may extend to twenty rupees.

Unlawful engagement of emigrants by garden sardar.

174. Whoever,—

(a) being a garden-sardar employed under a permit to engage persons and assist them to emigrate in accordance with the provisions of section 90, infringes any of the provisions of that section; or

(b) being a garden-sardar employed under the control of an agency or association to engage persons and assist them to emigrate in accordance with the provisions of section 91, infringes any of the conditions prescribed by or under that section;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees for every such infringement.

175. Whoever, being a local agent licensed under section 64 or a selecting agent working under section 65, retains or acquires any interest in the business of a contractor or works for a contractor for hire or reward shall be punishable with fine, which may extend to one thousand rupees.

Master receiving native passengers on board in contravention of Act.

176. (1) Whoever,—

(a) being a master not licensed under section 97, in contravention of section 96, sub-section (1), knowingly receives on board his vessel more than twenty passengers being natives of India; or

(b) being a master licensed as aforesaid, knowingly receives on board his vessel any such passengers in excess of the number specified in his license or in any order of an Embarkation Agent under

*The Assam Labour and Emigration Act, 1901.**Chapter IX.—Penalties and Procedure.—Sections 177-189.)*

section 100 for the purpose of transporting them to a labour-district;

shall be punishable with fine which may extend to two hundred rupees for each passenger so received.

(2) Nothing in this section applies to the master of a vessel exempted under section 96, sub-section (2).

177. Whoever, being a master licensed under section 98, with intent to defraud, does or suffers to be done any act or thing whereby the state of his vessel is altered, so that the vessel is unfit for the accommodation of the number of passengers specified in his license or in any order made under section 100 by an Embarkation Agent, shall be punishable with fine which may extend to two hundred rupees.

178. Whoever, being a master licensed under section 98, proceeds on his voyage with his vessel carrying labourers without having complied with the provisions of section 102, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees.

179. Whoever, being a master licensed under section 98, fails to comply with an order of an Embarkation Agent made under section 104, shall be punishable with fine which may extend to two hundred rupees for each day during which he fails to comply with the order after the day on which the order was received by him.

180. Whoever, being a master licensed under section 98, causes or permits a labourer finally to leave his vessel in contravention of the provisions of section 106, shall be punishable with fine which may extend to two hundred rupees for each labourer so leaving his vessel.

181. Whoever, being a master licensed under section 98, wilfully omits to comply with the provisions of section 107, shall be punishable with fine which may extend to two hundred rupees.

182. Whoever disobeys any order made under section 109 by a Magistrate, shall be punishable with fine which may extend to two hundred rupees.

183. Whoever, being a master licensed under section 98, or a medical officer in charge of a vessel, wilfully omits or neglects to obey or enforce on board of the vessel any provision of this Act or any rule thereunder, shall be punishable with fine which may extend to two hundred rupees.

184. Whoever, having executed a labour-contract,—
Labourer deserting, etc., after registration.

(a) deserts while on his journey from the district in which he has executed the labour-contract to a labour-district; or,

(b) without reasonable cause, refuses or neglects to proceed to the place where he is to labour or to embark in any vessel when called upon to do so by an Embarkation Agent;

shall be punishable with imprisonment for a term which may extend to one month.

185. Whoever, being an employer, refuses or wilfully omits to keep such registers or to make such periodical returns in writing to the Inspector as may be prescribed by any rule made under this Act, or knowingly keeps an incorrect register or makes an incorrect return, or wilfully omits to prepare, file or affix a schedule as required by section 124, shall be punishable with fine which may extend to two hundred rupees.

186. Whoever, being an employer, or acting under the orders or on the behalf of an employer, wilfully obstructs any entry, inspection or inquiry, or omits to comply with any requisition made under section 123, shall for every such offence be punishable with fine which may extend to two hundred rupees.

187. Whoever, being an employer, or acting under the orders or on the behalf of an employer, compels any labourer to perform any labour knowing that he is at the time unfit to perform such labour, shall be punishable with fine which may extend to two hundred rupees.

188. Whoever buys any rations which have been furnished under section 134 to a labourer, and whoever, being a labourer, sells any rations so furnished to him, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees.

189. (1) Whoever, being an employer, wilfully omits to provide house-accommodation, water-supply, sanitary arrangements, food-grains or rations in accordance with the provisions of this Act or any rule thereunder, shall be punishable with fine which may extend to five hundred rupees; and the convicting Magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order.

(2) If the employer wilfully omits to comply with the order within the time so fixed, he

*The Assam Labour and Emigration Act, 1901.**(Chapter IV.—Penalties and Procedure.—Sections 190-195.)*

shall be punishable with fine which may extend to one hundred rupees for each day during which the omission continues.

(3) If the employer fails to pay the fine imposed under sub-section (2), the person on whose account he has been acting shall be liable to pay the same.

190. Whoever, being an employer, fails to provide such hospital-accommodation for, or to make such provision for the medical care and treatment of, labourers, as is required by any rule made under this Act, shall be punishable with fine which may extend to two hundred rupees for each week during which the default continues.

191. Where any estate or portion thereof has been found under section 140, or declared under section 144, unfit for the residence of labourers or any class of labourers, as the case may be, every employer who, until a certificate has been given under section 145, causes or permits such labourers or class of labourers to reside or labour upon the estate or portion shall be punishable with fine which may extend to two hundred rupees.

192. (1) Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing containing the names of all or any of his labourers who, voluntarily and without reasonable cause, absented themselves from labour during the preceding month, and specifying the periods of absence. When any employer so sends any statement, he shall, at the same time, notify to each labourer concerned the fact that he has done so.

(2) Every Inspector who receives any statement so sent shall, if the employer so desires, when next visiting the estate on which the labourers to whom the statement relates are employed, inquire into each case of absence in the presence of the labourer concerned, and, if satisfied that the labourer has voluntarily and without reasonable cause absented himself, shall, unless the labourer consents to forfeit to his employer the sum of four annas for each day of absence, endorse the days of absence on the labour-contract of the labourer, and add them to the term of the contract.

(3) The Inspector may also, at any time other than that of his visit to the estate, on the application of either the employer or the labourer, after due inquiry, endorse the days of absence on, and add them to the term of, the labour-contract:

Provided that an employer who omits to apply for the endorsement of such days on any labourer's labour-contract when the Inspector is actually visiting the estate shall be debarred,

in the absence of sufficient reasons to the contrary shown to the satisfaction of the Inspector, from applying afterwards for such endorsement so far as days of absence reported in statements sent to the Inspector previous to the date of his last visit are concerned.

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, shall be deemed to be reasonable cause within the meaning of this section.

193. Whoever, being a labourer, voluntarily and without reasonable cause, absents himself from his labour for more than seven consecutive days, or for more than seven days in any one month, shall be punishable with imprisonment for a term which may extend to fourteen days; and, in case the absence has extended to twenty days in any two consecutive months, shall be punishable with imprisonment for a term which may extend to one month.

Explanation.—Ill-treatment of a labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, shall be deemed to be reasonable cause within the meaning of this section.

194. Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing in such form as the Local Government may prescribe containing the names of all or any of his labourers who have deserted from his service during the preceding month, or who, having deserted at any previous time, have been absent during the preceding month, or who, having deserted during the month or previously, have been arrested or have returned to his service during the preceding month.

195. (1) Where any labourer deserts from his employer's service, the employer, or any person authorized by him in this behalf, may, without a warrant and without the assistance of any police-officer, arrest the labourer wherever he may be found:

Provided that, if the labourer is found within five miles of the place where a Magistrate resides or in the service of another employer, he shall not be arrested without warrant.

(2) Every police-officer shall assist in arresting any such labourer if so required by the employer or person authorized by him in this behalf.

(3) Whoever arrests a labourer under this section shall without delay take him to the police-station nearest to the place of the arrest; and if he fails to do so shall be punishable with fine which may extend to two hundred rupees.

*The Assam Labour and Emigration Act, 1901.**(Chapter IX.—Penalties and Procedure.—Sections 196-204.)*

196. (1) The police-officer in charge of such Procedure at police station shall, on the appearance of the parties, take down in writing the statements of the labourer arrested and of the person arresting the labourer.

(2) If the labourer admits the contract and does not claim to be forwarded to a Magistrate, the police-officer may permit the person arresting the labourer to convey him to the estate on which he is under contract to labour, and shall then transmit the statements recorded and a report of his proceedings to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

(3) If the labourer does not admit the contract or claims to be forwarded to the Magistrate, or if, for any reason, it appears to the police-officer desirable that he should be so forwarded, the police-officer shall forthwith send the labourer, together with the statements recorded as aforesaid and a report of his proceedings, to the Magistrate within the local limits of whose jurisdiction the police-station is situated.

(4) If the estate on which the labourer is under contract to labour is not situate within the local limits of the jurisdiction of the Magistrate referred to in sub-section (2) or sub-section (3), the Magistrate shall forward the statements and report received by him from the police to the Magistrate within the local limits of whose jurisdiction such estate is situate. He shall also, when the labourer has been sent to him by the police, either forward the labourer to, or take security for his appearance before, such other Magistrate as aforesaid.

(5) On receipt of such statements and report the Magistrate within the local limits of whose jurisdiction the estate is situate may, after making such inquiry as he considers desirable into the case, pass such order in accordance with law as he thinks proper. For the purpose of any such inquiry the Magistrate may, if he thinks fit, in any case in which the labourer arrested has not been sent to or appeared before him, require the labourer to appear before him.

197. Where an employer or a person acting on behalf of an employer complains to a Magistrate that a labourer has deserted from the employer's service, the Magistrate may, without previously examining the complainant, issue a summons for the attendance of the labourer, or a warrant for his arrest, and fix a day for hearing the complaint.

198. (1) Whoever, being a labourer, deserts from his employer's service, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to twenty rupees, or with both.

(2) For a second conviction for a like offence the offender shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to fifty rupees, or with both.

(3) For a third and every subsequent conviction for a like offence the offender shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

199. (1) Where it appears to a Magistrate trying a labourer for deserting from his employer's service that such labourer was arrested without sufficient cause, the Magistrate may impose a fine, which may extend to fifty rupees, on the employer or person acting on his behalf by whom or at whose instance the labourer was arrested.

(2) The Magistrate may in his sentence direct that the whole or any part of the fine levied under sub-section (1) be paid by way of compensation to the labourer so arrested.

200. Where a labourer has actually suffered imprisonment for terms amounting in the whole to six months for desertion from his employer's service, the Inspector shall cancel the labour-contract of the labourer, and shall endorse on his copy of the contract a certificate of the cancellation; or, if that copy is not forthcoming, he shall give to the labourer a written certificate to the like effect.

201. Whoever, being a labourer, is guilty of habitual drunkenness, or wilfully disregards any sanitary regulation approved by the Inspector and duly notified for the guidance of the labourers on the estate on which the labourer is employed, shall be punishable with imprisonment for a term which may extend to one week, or with fine which may extend to five rupees.

202. (1) The employer of a labourer sentenced to imprisonment for any offence under this Act, or any person authorized to act in this behalf for the employer, may apply to the Magistrate that the labourer be made over to him for the purpose of completing his labour-contract.

(2) On an application being made under sub-section (1), the Magistrate may, if he thinks fit, order that the labourer be made over or forwarded to his employer; and in that case the Magistrate shall cancel the sentence passed on the labourer or any unexpired portion of the same, and shall endorse on his copy of the labour-contract a certificate of the cancellation, or, if that copy is not forthcoming, shall give him a written certificate of the cancellation.

(3) Nothing in this section shall be deemed to affect the provisions of section 200.

203. Every employer who obtains an order of a Magistrate for the making over or forwarding of any labourer shall be liable to defray the expense (if any) incurred in the making over or forwarding of the labourer; and shall, before the order is issued, deposit with the Magistrate a sum sufficient in the Magistrate's opinion to defray that expense.

204. (1) On the expiry of any sentence of imprisonment passed on a labourer for any offence under this Act, the Magistrate shall, subject to the provisions of section 200, make the labourer over to any person appointed on the part of his employer to take

The Assam Labour and Emigration Act, 1901.
(Chapter IX.—Penalties and Procedure.—Sections 205-214.)

charge of him; and no conviction under this Act or imprisonment thereon shall, save as aforesaid, operate as a release to any labourer from the terms of his labour-contract.

(2) Where no person is present on the part of the employer to take charge of the labourer on the expiry of his sentence, the Magistrate shall forward the labourer to the principal place of business of his employer situate within the local limits of the Magistrate's jurisdiction.

(3) Any expenditure incurred under sub-section (2) may be recovered from the employer of the labourer concerned.

205. (1) Where a labourer is sentenced to imprisonment for any offence under this Act other than an offence under section 193 or section 198, the Magistrate shall endorse on the employer's copy of the labour-contract the term for which the labourer is so sentenced.

(2) When a labourer is convicted of unlawful absence under section 193 or desertion under section 198, the Magistrate shall endorse the period of the labourer's absence or desertion on the employer's copy of the labour-contract.

(3) In a case of desertion falling under sub-section (2) no endorsement shall be made if the labour-contract has been cancelled under section 200, or if more than one year has elapsed from the expiry of the original term of the labour-contract or more than three years have elapsed from the date when the labourer deserted, to the date of his conviction.

(4) The term of imprisonment to which a labourer is sentenced under section 193 or section 198 shall be deducted from the term of service to which he is bound by his original contract or by any endorsement made under sub-section (2).

(5) No endorsement shall be made in a case of desertion under sub-section (2) unless the employer has duly reported the particulars of the desertion as provided in section 194.

206. Where a labourer is sentenced to imprisonment for any time not exceeding three years for any offence other than an offence under this Act, the Court or Magistrate so sentencing him shall, if the employer or a person acting on behalf of the employer so requests, endorse on the employer's copy of the labour-contract the period for which the labourer is sentenced to imprisonment, or, if that period exceeds the unexpired term of the labour-contract on the date of the sentence, so much of that period as is equal to the unexpired term.

207. The periods endorsed under section 205 or section 206 shall be added to the term for which the labourer contracted to serve; and the labourer shall not be deemed to have performed his labour-contract until he has served for the term specified therein in addition to the periods so endorsed.

208. (1) Whoever, knowing that a labourer is bound by his labour-contract to labour for any employer, voluntarily entices or attempts to entice the labourer to leave his employer, or harbours or employs any labourer who has, in contravention of the terms of his labour-contract, left his employer, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(2) The convicting Magistrate may, in his discretion, award to the employer with whom the labourer has contracted the whole or any part of any fine levied under sub-section (1).

209. Whoever, being bound under section 118, sub-section (2), to forward any labour-contract to the Inspector, or under section 120 to cause any labourer to appear before the Inspector or Magistrate, wilfully omits or neglects so to forward the labour-contract to the Inspector at or within the time specified, or to cause the labourer to appear before the Inspector or Magistrate within a reasonable time, shall be punishable with fine which may extend to two hundred rupees.

210. Whoever, being bound by section 146 to send any labourer before, or to give notice of any complaint to, an Inspector or Magistrate, refuses or neglects so to send the labourer or to give the notice, shall be punishable with fine which may extend to two hundred rupees.

211. Whoever, being an employer,—

(a) refuses or wilfully neglects to endorse the labourer's copy of his labour-contract as required by section 155, or

(b) detains a labourer after the determination of his labour-contract; or

(c) fails to give to the Inspector notice in writing of such determination as aforesaid within one month after the date thereof;

shall be punishable with fine which may extend to two hundred rupees.

212. Whoever, being an employer or a person acting for an employer, refuses or neglects to comply with the request of a labourer made under section 156, shall be punishable with fine which may extend to two hundred rupees.

213. Whoever abets, within the meaning of the Indian Penal Code, any offence against this Act or any rule hereunder, shall be punishable with the punishment provided for the offence.

214. Whoever commits any offence against this Act or any rule hereunder shall be triable for the offence in any place in which he may be found, as

*The Assam Labour and Emigration Act, 1901.**(Chapter X.—Miscellaneous.—Sections 215-218.)*

well as in any other place in which he might be tried under any law for the time being in force.

CHAPTER X.
MISCELLANEOUS.

215. Every sum recoverable under this Act from any person may be recovered on application to a Magistrate having jurisdiction where the person is for the time being resident, by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to that person.

216. All arrears of wages due under labour-contract shall be a charge upon the estate upon which the labourer to whom the labour-contract relates has been engaged to labour; or, if he has engaged to labour upon any one of several estates managed by the same employer, shall be a charge upon that estate upon which he for the time being actually labours.

217. (1) Whenever an estate on which any labourer has under this Act contracted to labour is transferred by act of parties or operation of law or devolves, the person to whom it is so transferred or on whom it devolves shall be bound by the labour-contract of the labourer in the same manner and to the same extent as the person by or from whom it is transferred or

devolves would have been bound thereby, and shall have the same rights and remedies under it as such person would have had thereunder, if the estate had not been transferred or had not devolved.

(2) No person who has ceased to be the owner of the estate upon which any labourer has under this Act contracted to labour shall be liable in respect of any breach of the labour-contract of the labourer which occurs after he has ceased to be owner.

218. (1) Subject to the power of a Magistrate under this Act or the Code of Criminal Procedure, 1898, to award fines in whole or in part as compensation to or for the benefit of any complainant or other person, the Local Government shall credit all fines, fees and rates levied and paid under this Act in the territories under its administration to a fund to be called the "Labour Transport Fund".

(2) The Labour Transport Fund shall be at the disposal of the Local Government, in such manner as the Government of India may direct, for paying the salaries and allowances of all officers and establishments appointed by it under this Act and their pensionary and leave-allowances, for meeting the cost of sending labourers and other persons back to their native districts, and generally for defraying the expenses of carrying out the purposes and objects of this Act and any rules made by the Local Government hereunder.

*The Assam Labour and Emigration Act, 1901.**(Chapter X.—Miscellaneous.—Sections 219-223. The First Schedule.—Form of Labour-contract between Labourer and Employer.)*

(3) The annual surplus accruing in the Labour Transport Fund shall be applied to reducing the annual rate or the registration-fees leviable under this Act, and not otherwise.

219. Every Assistant Inspector shall perform all such duties and exercise all such powers of an Inspector as he is authorized in writing by the Inspector to perform or exercise.

220. All powers conferred by this Act on any Superintendent, Medical Inspector, Emigration Agent or other officer may be exercised from time to time as occasion requires.

221. The Chief Commissioner of Assam may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that any labour-district or local area therein shall, on and with effect from a day to be fixed in the notification, cease to be subject to all the provisions or any specified provision of this Act; and from the day so fixed such labour-district or local area as aforesaid shall cease to be subject to the provisions of this Act or to the provision so specified, as the case may be.

222. The publication of any notification under this Act shall not affect any act done, offence committed or proceedings commenced before such publication.

223. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the forth column thereof.

THE FIRST SCHEDULE.

FORM OF LABOUR-CONTRACT BETWEEN LABOURER AND EMPLOYER.

(See section 5.)

This contract, made under the Assam Labour and Emigration Act, 1901, between *A B* (hereinafter called the labourer) of the one part and **[C D (representative, local agent or garden-sardar) on behalf of] E, F* (hereinafter called the employer) on the other part, witnesseth that the said **[representative or local agent or garden-sardar]* on behalf of the said employer doth hereby promise the said labourer that if he, the said labourer, do remain and labour on the $\frac{x \text{ estate}}{y \text{ estates}}$ of his said employer in the labour-district of _____ for the term of _____ years from the date of the execution of this contract, he, the said employer, will, from the date on which the said labourer commences to labour on the said $\frac{\text{estate}}{\text{estates}}$ pay or cause to be paid to the said labourer monthly wages at the rate of Rs. § _____ for a completed daily task regulated in accordance with the provisions of

* Parts in brackets to be omitted if the contract is made without the intervention of a representative, local agent or garden-sardar.

† State nature of labour, if the labourer is to be required to work under the ground.

‡ As the case may be.

§ State rates for various periods of contract.

*The Assam Labour and Emigration Act, 1901.**(The First Schedule.—Form of Labour-contract between Labourer and Employer.)*

* [During the first six months of the contract the employer is to pay a full wage for half the daily task, unless an Inspector certifies that the labourer is able to perform a full task.]

the said Act,* and when such task as aforesaid is not completed, monthly wages calculated at the same rate in proportion to the amount of work actually done, and that during the said period he, the said employer, will supply to the said labourer rice at a price of Rs. per maund and will faithfully comply with all rules regarding house-accommodation, medical treatment and the supply of food-grains or rations to the said labourer which the Local Government may prescribe; and this contract further witnesseth that the said labourer doth hereby, in consideration of the aforesaid promise, agree so to remain and labour for the said employer. In witness whereof the said parties to these presents have hereunto set their hands at this day of 19 .

*Signature of Labourer and
of Employer (or of his
Representative, Local
Agent or Garden-sardar).*

Form of Description of Labourer.

NAME.	Father's name.	Age.	Sex.	Caste.	RESIDING.			Descriptive marks.
					District.	Thana.	Village.	

[Endorsement to be filled up by officer before whom the contract is executed.]

I hereby certify that, before the said A B signed this contract, I personally explained it to him.

Dated at } Signed _____
This day of } Superintendent or Registering-officer or
Inspector or
Magistrate.

[Endorsements on labourer's copy of contract to be filled up when the contract is determined or cancelled.]

I hereby certify that the foregoing contract has been determined by effluxion of time.

Dated at }
This day of } Signature of Employer
or Inspector.

The Assam Labour and Emigration Act, 1901.
(*The Second Schedule.—Enactments repealed.*)

I hereby certify that the foregoing contract
has been cancelled under the provisions of sec-
tion of Act

Dated at

This day of

} Signature of Inspector
or Magistrate.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 223.)

Year.	No.	Short title.	Extent of repeal.
<i>Acts of the Governor General in Council.</i>			
1882	I	The Assam Labour and Emigration Act, 1882.	The whole.
1891	XII	The Repealing and Amending Act, 1891.	So much of section 2 and the first schedule as relates to Act I of 1882.
1893	VII	The Inland Emigration Act, 1893.	The whole.
1897	V	The Repealing and Amending Act, 1897.	So much of section 2 and of the first and second schedules as relates to Act I of 1882 and Bengal Act I of 1889.
<i>Act of the Lieutenant-Governor of Bengal in Council.</i>			
1889	I	The Inland Emigrants' Health Act, 1889.	The whole.

J. M. MACPHERSON,

Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, MARCH 27, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd March, 1901, and is hereby promulgated for general information.

ACT NO. VII OF 1901.

An Act to place Native Christians in the same position as Hindus, Muhammadans and Buddhists in the matter of obtaining letters of administration and for other purposes.

WHEREAS it is expedient to place Native Christians on the same footing as Hindus, Muhammadans and Buddhists in the matter of obtaining letters of administration; to exempt them from the operation of certain provisions of the Administrator General's Act, 1874, from which Hindus, Muhammadans, Parsis and Buddhists are exempted; and to enable them to obtain certificates under the Succession Certificates Act, 1889, in certain cases; It is hereby enacted as follows:—

1. (1) This Act may be called the Native Christian Administration of Short title and commencement. Estates Act, 1901; and

(2) It shall come into force at once.

2. In this Act, the expression "Native Christian" means a native of India who is, or in good faith claims to be, of unmixed Asiatic descent and who professes any form of the Christian religion.

3 Sections 190 and 239 of the Indian Succession Act, 1865, shall not apply to any part of the property of a Native Christian who has died intestate. X of 1865.

4. In sections 16, 17, 18, 37 and 64 respectively of the Administrator General's Act, 1874, before the word "Hindu," wherever it occurs, the word "Native Christian" shall be inserted; II of 1874.

Provided that nothing contained in this section shall affect any probate, letters of administration or certificate granted or vested under the said Act.

5. Nothing contained in section 1, sub-section (4) of the Succession Certificates Act, 1889, shall be deemed to prevent the grant of a certificate to any person claiming to be entitled to the effects of a deceased Native Christian, or to any part thereof, with respect to any debt or security by reason that a right thereto can be established by letters of administration under the Indian Succession Act, 1865. VII of 1889. X of 1865.

J. M. MACPHERSON,
Secretary to the Government of India.
V A

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 22nd March, 1901, and is hereby promulgated for general information:—

ACT NO. VIII OF 1901.

An Act to provide for the Regulation and Inspection of Mines.

WHEREAS it is expedient to provide for the regulation and inspection of mines; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Indian Mines Act, 1901.

Shot title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas and the Pargana of Spiti; and

(3) It shall come into force at once.

2. Nothing in this Act shall be construed to affect the provisions of the Saving of Regulation Upper Burma Ruby Regulation, 1887.

887.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "agent," when used in relation to a mine, means any person appointed as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act:

(b) "child" means a person under the age of twelve years:

(c) a person is said to be "employed" in a mine who works, under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or at the mine, or in any other kind of work, whatsoever incidental to, or connected with, mining operations:

(d) "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine; but it does not include any pit, quarry or other excavation the depth of no part of which

measured from the level of the adjacent ground exceeds twenty feet and no part of which extends beneath the superjacent ground:

(e) "owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, and does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability:

(f) "prescribed" means prescribed by rules made under this Act: and

(g) "shaft" includes pit.

Inspectors.

4. (1) The Governor General in Council shall, by notification in the Gazette of India, appoint a duly qualified person to be Chief Inspector of Mines throughout British India.

(2) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, appoint persons, qualified by experience, to be Inspectors of Mines within such local areas or for such groups or classes of mines as it may assign to them respectively.

(3) Every Inspector of Mines appointed under sub-section (2) shall, in the performance of his duties, be subordinate to the Chief Inspector of Mines appointed under sub-section (1) in such respects and to such extent as may be prescribed by the Governor General in Council.

(4) The Chief Inspector and every Inspector of Mines appointed under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code, and shall be subordinate to such authority as the Governor General in Council or the Local Government, as the case may be, may direct.

(5) No Chief Inspector or Inspector of Mines shall be a partner or have any interest, direct or indirect, in any mine or mining rights in India.

(6) When rules are made under this Act, the Inspector of Mines shall give information to owners, agents and managers of mines within the local area, or the group or class of mines, for which he has been appointed as to any rules which concern them respectively, and as to the places where copies of such rules may be obtained.

5. The District Magistrate may exercise such Powers of District Magistrate. of the powers and perform such of the duties of an Inspector of Mines as the Local Government may, by general or special order, direct :

Provided that nothing in this section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by section 15 or section 21.

6. The Chief Inspector of Mines may, anywhere within British India, and an Inspector of Mines may, within the local area or with respect to the group or class of mines for which he is appointed, —

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules and orders made thereunder are observed in the case of any mine;
- (b) enter, with such assistants (if any) as he thinks fit, inspect and examine any mine and any part thereof at all reasonable times by day or by night, but not so as unreasonably to impede or obstruct the working of the mine;
- (c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the special rules for the time being in force in and at the mine and all matters and things connected with or relating to the safety of the persons employed in or about the mine;
- (d) order that any person shall not be employed in, or admitted to, or shall be removed from, a mine where there is ground for believing that his employment in or admission to or presence in such mine would be dangerous to himself or others: Provided that an appeal shall lie to such authority as the Governor General in Council or the Local Government, as the case may be, may direct from any order made under this clause, and that the order shall be complied with until the decision of such authority shall be received at the mine;
- (e) do all other things required of him by or under this Act.

7. Every owner, agent and manager of a mine shall furnish the Chief Inspector and every Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry in relation to the working of the mine under this Act.

8. (1) All copies of, and extracts from, registers or other records pertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector of Mines, or by any one assisting him, in the inspection of any mine under this Act, shall be regarded as strictly confidential.

(2) If any such person discloses to any one, other than a Magistrate or an officer to whom he is subordinate, any such information as aforesaid without the consent of the Governor General in Council or the Local Government, as the case may be, he shall be guilty of a breach of official trust, and shall be punishable in the manner provided by section 4 of the Indian Official Secrets Act, 1889.

XV of 1889.

(3) No Court shall take cognizance of any offence under this section unless on a prosecution at the instance of the Governor General in Council, or the Local Government, or of a person aggrieved by the same.

Mining Boards and Committees.

9. (1) The Local Government may constitute for the Province, or Mining Boards. for any part of the Province, or for any group or class of mines in the Province, a Mining Board consisting of—

- (a) a public officer, not being the Chief Inspector or an Inspector of Mines, nominated by the Local Government to act as chairman;
 - (b) the Chief Inspector or the Inspector of Mines;
 - (c) one other person, not being the Chief Inspector or an Inspector of Mines, nominated by the Local Government; and
 - (d) two persons nominated by owners of mines or their representatives in such manner as the Local Government may direct.
- (2) The Chairman shall appoint a person to act as secretary of the Board.
- (3) The Local Government may give directions as to the payment of travelling expenses incurred by the chairman, secretary or any member of a Mining Board in the performance of his duty as such chairman, secretary or member.

10. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

- (a) a chairman nominated by the Local Government or by such officer or authority as the Local Government may direct;

(b) one or more persons qualified by experience to dispose of the question referred to the Committee and nominated by the chairman; and

(c) one or more persons equal in number to the person or persons nominated under clause (b) and nominated by the owner, agent or manager of the mine concerned.

(2) The Inspector of Mines shall not serve as Chairman or member of a Committee appointed under this section.

(3) No person employed in or in the management of the mine concerned shall serve as chairman or member of a Committee appointed under this section.

(4) Where an owner, agent or manager fails to exercise his power of nomination under subsection (1), clause (c), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to them.

(5) The Committee shall hear and record such information as the Chief Inspector or the Inspector of Mines or the owner, agent or manager of the mine concerned may place before them, and shall intimate their decision to the Chief Inspector or the Inspector of Mines and to the owner, agent or manager of the mine concerned, and shall report their decision to the Local Government, or, where a Mining Board has been constituted, to the Local Government through the Mining Board.

(6) On receiving such report the Local Government may, if the Inspector of Mines, or the owner, agent or manager, has lodged an objection to the decision of the Committee, proceed to review such decision and to pass such orders in the matter as it may think fit.

(7) The Local Government may give directions as to the remuneration (if any) to be paid to the members of the Committee or any of them, and as to payment of the expenses of the inquiry, including such remuneration.

11. (1) A Mining Board constituted under section 9 or a Committee appointed under section 10 may exercise such of the powers of an Inspector of Mines as they may think it necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to them.

(2) A Mining Board constituted under section 9 or a Committee appointed under section 10 shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by any such Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

12. When the Local Government directs the recovery of expenses of any inquiry conducted by a Mining Board constituted under section 9 or by

a Committee appointed under section 10 are to be borne in whole or in part by the owner, agent or manager of the mine concerned, the amount so directed to be paid may be recovered on application by the Chief Inspector or the Inspector of Mines to a Magistrate having jurisdiction at the place where the mine is situate or where such owner, agent or manager is for the time being resident by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager.

Mining Operations and Duties and Responsibilities of Owners, Agents and Managers.

13. (1) For every mine there shall be a manager, who shall have the prescribed qualifications.

(2) The manager shall be responsible for the superintendence of all parts of the mine.

14. (1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and the rules and orders made thereunder.

(2) In the event of any contravention of, or failure to comply with, any such provisions on the part of any person whomsoever, the owner, agent and manager shall each be liable to be found guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said provisions, to prevent such contravention or non-compliance, and that such contravention or non-compliance occurred without his consent.

15. (1) If, in any respect which is not provided against by any express provision of this Act, or of the rules or orders made thereunder, the Chief Inspector or any Inspector of Mines finds that any mine, or any part thereof, or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine, and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter thing or practice, to be dangerous or defective, and require the same to be remedied.

(2) If, for reasons to be recorded in the order, the Chief Inspector or the Inspector of Mines is of opinion that there is urgent and immediate danger to the life or safety of women or children employed in or at any mine, he may, by order in writing, prohibit the employment of such women and children.

(3) The Chief Inspector or the Inspector giving notice under sub-section (1) or making an order under sub-section (2) shall forthwith report the same to the Mining Board, or, where there is no Mining Board, to such officer or authority as the Local Government may by general or special order appoint in this behalf.

(4) If the owner, agent or manager of the mine objects to remedy the matter complained of in a notice under sub-section (1) or to comply with an order made under sub-section (2), he may within twenty days after the receipt of the notice or order send his objection in writing, stating the grounds thereof, to the Board or other authority to which the Inspector's report is made under sub-section (3).

(5) On receiving an objection made under sub-section (4), the said Board or other authority shall refer the matter to a Committee.

(6) In case objection is taken to an order made under sub-section (2), the order shall be complied with until the decision of the Committee is received at the mine.

(7) Nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure, 1898.

16. The owner, agent or manager of a mine shall, in the case of existing mines within three months after the commencement of this Act, and in the case of new mines within three months after the commencement of mining operations, give notice in writing to the Inspector of Mines appointed under section 4, sub-section (2), for the local area in which the mine is situate, or for the group or class of mines to which the mine belongs, or, if no Inspector of Mines has been appointed for such area or group or class of mines, to the Chief Inspector of Mines, of the address to which he desires his letters to be directed, the kind of minerals worked or to be worked, the name of the person under whom the mining operations are or are to be conducted, and the nature of the moving power which is or is to be used.

17. When any accidental explosion occurs in a mine, or when any accident occurs in or at a mine, causing loss of life or serious bodily injury, the owner, agent or manager of the mine shall give such notice of the explosion or accident to such authorities, in such form, and within such time, as may be prescribed.

18. (1) When in or at any mine an explosion or other accident has occurred, if it appears to the Governor General in Council or the Local Government that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, the Governor General in Council or the Local Government may give directions accordingly, and may appoint a competent person to

hold the inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person or persons so appointed shall have all the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents; and every person required by such person or persons as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

XLV of 1860.

(3) The person or persons holding an inquiry under this section may exercise such of the powers of an Inspector of Mines as he or they may think it necessary or expedient to exercise for the purposes of such inquiry.

(4) The person or persons holding an inquiry under this section shall make a report to the Local Government, stating the causes of the accident and its circumstances, and adding any observations which he or they may think fit to make.

19. The Local Government may cause any report submitted under section 15 or section 18 to be published at such time and in such manner as it may think fit.

Rules.

20. (1) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, make rules for carrying out the purposes and objects of this Act in respect of all mines or any groups or classes of mines.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) regulate the duties and powers of the Chief Inspector and of Inspectors of Mines in respect of the inspection of mines under this Act, and provide for appeals from the orders of the Chief Inspector and Inspectors of Mines;

(b) provide for the appointment of chairmen and members of Mining Boards and Committees and regulate the procedure of such Boards and Committees;

(c) prescribe the duties of owners, agents and managers of mines and of all persons acting under them;

(d) prescribe the qualifications of managers and of all persons acting under them;

Power for the Government to order formal inquiry into accidents.

Power for Government to make rules.

V of 1898.

(e) regulate the manner of ascertaining, by examination or otherwise, the qualifications of managers and persons acting under them, and the granting and renewal of certificates of competency;

(f) fix the fees (if any) to be paid in respect of such examinations and the grant and renewal of certificates as aforesaid;

(g) provide for the making of inquiries into charges of misconduct or incompetency on the part of managers and persons acting under them, and for the suspension and cancellation of certificates of competency;

(h) prescribe the matters in respect of which notices, returns and reports shall be furnished by owners, agents and managers, the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished and the particulars to be contained in them;

(i) prescribe the plans (if any) to be kept by owners, agents and managers, and the manner and places in which they are to be kept for purposes of record;

(j) regulate, subject to the provisions of the Indian Explosives Act, 1884, and the rules thereunder, the storage and use of explosives;

(k) provide for the safety of the persons employed in mines, their means of entrance thereinto and exit therefrom, the number of shafts or outlets to be furnished, the fencing of shafts, outlets and passages, and the care of all machinery;

(l) prohibit, restrict or regulate the employment of women or children either below ground or on particular kinds of labour where such employment is attended by danger to the life, safety or health of such women or children;

(m) require owners or agents to maintain registers of women and children employed, and prescribe the forms of such registers;

(n) provide for the water-supply, sanitation and conservancy of mines;

(o) provide for the safety of the roads and working-places in mines;

(p) provide for the ventilation of mines and the action to be taken in respect of noxious gases;

(q) require and regulate the use of safety lamps in mines;

(r) provide against the accumulation of water in mines;

(s) regulate the procedure on the occurrence of accidents in mines and the supply of medical appliances and comforts for the benefit of persons injured therein;

(t) provide for the fencing of any mine or part of a mine, whether the same is being worked or not, where such fencing is necessary for the protection of the public;

(u) provide for the protection of public property and works from injury in respect of any mine when the workings are discontinued; and

(v) prescribe the notice to be given by the owner, agent or manager of a mine before extending any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public works or clauses of public works which the Local Government may, by general or special order, specify in this behalf.

X of 1890.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

X of 1897.

(5) Where a Mining Board has been constituted under section 9, any rule to be made under this Act shall, before it is published for criticism under sub-section (3), be referred to the Mining Board, and the rule shall not be so published until the said Board has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(6) All rules made under this section shall be published in the Gazette of India or in the local official Gazette, as the case may be, and, on such publication, shall have effect as if enacted in this Act.

21. (1) The owner, agent or manager of a mine may frame and transmit to the Inspector of Mines or, when there is no Inspector for the local area in which the mine is situated or the group or class to which the mine belongs, to the Chief Inspector, a draft of such special rules, not being inconsistent with this Act or any rules for the time being in force under section 20, for the control and guidance of the persons acting in the management of, or employed in or about, the mine as he may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in or about the mine.

(2) If any such owner, agent or manager—

(a) fails within a period of two months after the receipt of a notice from the Inspector or Chief Inspector to transmit a draft of such special rules as are referred to in sub-section (1), or

(b) submits a draft of such special rules as aforesaid, which is not in the opinion of the Inspector or Chief Inspector sufficient,

the Inspector or Chief Inspector may either—

(i) propose a draft of such special rules as appear to him to be sufficient, or

(ii) propose such amendments in the draft submitted to him by the owner, agent or manager as will, in his opinion, render them sufficient,

and shall send such draft rules or draft amendments to the owner, agent or manager for consideration.

(3) If within a period of two months from the date on which any draft rules or draft amendments are sent by the Inspector or Chief Inspector to the owner, agent or manager of a mine under the provisions of sub-section (2), the Inspector or Chief Inspector and the owner, agent or manager are unable to agree as to the terms of the special rules to be made under sub-section (1) or as to the terms of any of such rules, the said Inspector or Chief Inspector shall refer the draft rules for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the Local Government may, by general or special order, appoint in this behalf.

(4) A copy of the draft rules as agreed to by the owner, agent or manager and the Inspector or Chief Inspector, or, when they are unable to agree, as settled by the Mining Board or such officer or authority as aforesaid, shall, together with a notice intimating that any objection or suggestion in respect thereof may be submitted in writing by any person employed in the mine to the said Inspector or Chief Inspector for consideration, be posted up for not less than thirty days in legible characters in English and in the vernacular of the district in some conspicuous place in the mine for the information of the persons employed therein, and a certificate to the effect that this has been done signed by the owner, agent or manager of the mine shall be transmitted to the said Inspector or Chief Inspector, together with two copies of the draft rules.

(5) When the publication required by sub-section (4) has been carried out, the Inspector or Chief Inspector shall forward a copy of the draft rules so published, together with a copy of any objections or suggestions in respect thereof received by him, to the Local Government.

(6) The special rules, when approved by the Local Government, with such modifications (if any) as it may think fit, shall be published in like manner as is provided in sub-section (4) respecting the publication of the draft, and, on such publication, shall have effect as if enacted in this Act:

Provided that the Local Government may at any time, by order in writing, which shall be published in like manner as aforesaid, rescind,

in whole or in part, any rules so made, and that thereupon such rules shall cease to have effect accordingly.

Penalties.

Penalties for offences. 22. (1) Whoever—

- (a) obstructs the Chief Inspector or an Inspector of Mines in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination or inquiry thereunder in relation to any mine; or
- (b) counterfeits, or knowingly makes a false statement in, any certificate or in any official copy of a certificate granted under this Act; or
- (c) knowingly uses as true any such counterfeit or false certificate; or
- (d) makes or produces or uses any false declaration, statement or evidence knowing the same to be false for the purpose of obtaining, for himself or for any other person, a certificate or the renewal of a certificate, or any employment under this Act; or
- (e) contravenes any provision of this Act or any rule or order thereunder for the breach of which no penalty is otherwise provided, where the act done has resulted in loss of life or serious bodily injury to any person;

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever—

- (a) falsifies any plan or register or record required to be maintained by or under this Act; or
- (b) being the owner, agent or manager of a mine, omits to give the prescribed notice of an accident in the mine or to make or furnish any prescribed plans or returns; or
- (c) makes, gives or delivers any such plan, register, record, notice or return containing a statement, entry or detail which is not, to the best of his knowledge or belief, true;

shall be punishable with fine which may extend to five hundred rupees.

(3) Whoever—

- (a) employs or allows to be employed in or about a mine, or allows to enter a mine or part of a mine, any person in contravention of any provision of this Act or of any rule or order thereunder; or
- (b) allows any person to perform any work forbidden by, or to work in contravention of, any such provision; or

(c) fails to comply with any requisition or order made under any such provision ; or,

(d) being the owner, agent or manager of a mine, fails to maintain correctly, or to produce, any prescribed plan ; or

(e) contravenes any provision of this Act or any rule or order thereunder for the breach of which no penalty is otherwise provided ;

shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing breach under clause (c) of this sub-section, with a further fine which may extend to fifty rupees for every day during which the breach is proved to have been persisted in after the date of the receipt by him of the order or requisition referred to in such clause.

Miscellaneous.

23. No prosecution shall be instituted against any owner, agent or manager for any offence against this Act or any rule or order thereunder except at the instance of the Chief Inspector or an Inspector of Mines.

24. No Court shall take cognizance of any offence against this Act or any rule or order thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

25. No Court inferior to that of a Magistrate of the first class or Sub-divisional Magistrate shall try any offence against this Act or any rule or order thereunder which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is punishable with imprisonment.

26. If the Court trying any case instituted on the complaint of the Chief Inspector or an Inspector of Mines under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the Local Government with a view to such reference being made.

27. If any question arises as to whether any excavation or working is a mine within the meaning of this Act, the Local Government may decide the question, and a certificate, signed by a Secretary to the Local Government, shall be conclusive on the point.

28. If in any inquiry or proceeding under this Act it is necessary to decide the question whether a person is or is not under the age of twelve years, a certificate in writing, signed by a duly qualified person practising medicine or surgery, who states that he has examined such person, and that the age of such person, as nearly as can be ascertained from such examination, is or is not under twelve years, shall be received as *prima facie* evidence of the age of such person.

29. The Governor General in Council may, by notification in the Gazette of India, and subject to such limitations and conditions as may seem to him expedient, exempt from the operation of the whole or any part of this Act any local area, or any mine or group or class of mines, or any class of persons.

30. The Governor General in Council or any Local Government shall have authority to reverse or modify any order passed under this Act by any authority subject to his or its control.

31. This Act shall apply to mines belonging to the Crown.

32. The Governor General in Council may, if he thinks fit, exercise any power which is by this Act conferred upon a Local Government.

Temporary Provision.

33. No Court shall take cognizance of any offence punishable under section 22, sub-section (1), clause (e), or sub-section (3), which is alleged to have been committed by any person within one year from the commencement of this Act.

J. M. MACPHERSON,
Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, JANUARY 9, 1901.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th January, 1901:—

NO. 1 OF 1901.

A Bill to amend the law relating to the admission of Native Military Lunatics into Asylums.

WHEREAS it is expedient to repeal certain provisions of the law now in force with regard to the admission of native military lunatics into asylums; It is hereby enacted as follows:—

1. The enactments mentioned in the schedule Repeal of certain hereto annexed are repealed enactments. ed to the extent specified in the fourth column thereof.

2. The repeal by this Act of any enactment Saving of certain shall not affect any native detentions. military lunatic who, at the commencement of this Act, is detained

in an asylum in pursuance of an order under section 6 of the Military Lunatics Act, 1877. XI of 1877.

THE SCHEDULE.

(See section 1.)

REPEAL OF ENACTMENTS.

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
1869	V	Indian Articles of War.	In article 179, the words <i>from such allowance to the end.</i>
1877	XI	Military Lunatics.	In the preamble, the words and to amend the law now in force with regard to the admission thereto of native military lunatics. Sections 4, 5 and 6. In sections 7 and 8 the words whether European or native.

STATEMENT OF OBJECTS AND REASONS.

EXPERIENCE gathered since the passing of the Military Lunatics Act, 1877, has proved the expediency of following, in regard to persons subject to the Indian Articles of War, the practice, now well established in the British Army, of treating declared insanity as a ground for discharge. The powers to discharge, conferred by articles 3 and 4, will be

exercised, as usual, in accordance with Army Regulations on the subject ; and it is proposed that, for the future, Native military lunatics should, in consequence of discharge, be governed by the general law affecting the civil population. For this purpose, however, it will be necessary to relieve the military authorities of certain statutory obligations which were imposed by the Military Lunatics Act, 1877. The case of European military lunatics, with reference to whom no alteration of the law is contemplated, stands on an entirely different footing, inasmuch as it is rarely possible to make them over to the custody of friends or relatives in this country. With regard to Natives detained in asylums at the date on which the Act now proposed comes into force, the Government are of opinion that to avoid the inconvenience of taking fresh proceedings against them as civilians and any hardship arising from stoppage of the allowance at present payable under article 179 of the Indian Articles of War, they should continue to be governed by the procedure now applying to them.

EDWIN H. H. COLLETT, *Major-General.*

The 3rd January, 1901.

J. M. MACPHERSON,

Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, JANUARY 23, 1901.

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PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th January, 1901 :—

NO. 3 OF 1901.

A Bill further to amend the Administrator General's Act, 1874.

WHEREAS Hindus, Muhammadans, Parsis and Buddhists are exempted from the operation of certain provisions of the Administrator General's Act, 1874, and it is expedient that Native Christians should be exempted from the operation of the said provisions to the same extent

as Hindus, Muhammadans, Parsis and Buddhists; It is hereby enacted as follows :—

1. (1) This Act may be called the Administrator General's Act (Amendment) Act, 1901; and

(2) It shall come into force at once.

2. In this Act, the expression "Native Christian" means a native of India who is or in good faith claims to be of unmixed Asiatic descent and who professes any form of the Christian religion.

3. In sections 16, 17, 18, 37 and 64 respectively of the Administrator General's Act, 1874, before the word "Hindu" wherever it occurs, the word "Native Christian" shall be inserted.

4. Nothing herein contained shall affect any probate, letters of administration or certificate granted or vested under the said Act.

STATEMENT OF OBJECTS AND REASONS.

SEVERAL representations have been received by the Government on the subject of the grievances from which Native Christians suffer through the unequal operation of the law in India, relating to probate and administration, to be found in the Indian Succession Act, 1865 (X of 1865), the Hindu Wills Act, 1870 (XXI of 1870), the Administrator General's Act, 1874 (II of 1874), and the Probate and Administration Act, 1881 (V of 1881).

2. By sections 187 and 190 of the Act of 1865 it is provided that no right under a will or to the property of an intestate can be established in any Court unless probate or administration has been granted, and such a grant is further rendered necessary by certain provisions of the Act of 1874, under which the omission to obtain a grant entails the intervention of the Administrator General if the value of the assets of

the estate concerned exceeds Rs. 1,000. These provisions govern Native Christians, but not Hindus, Muhammadans or Buddhists save in the Lower Provinces of Bengal and the towns of Madras and Bombay, where, owing to the provisions of the Hindu Wills Act, 1870, which incorporates section 187 of the Act of 1865, probate of the wills of Hindus, Jains, Sikhs and Buddhists has been rendered compulsory. Elsewhere Hindus, Muhammadans and Buddhists are only subject to the Act of 1881, which, while it enables a person governed by it to take out a grant if he finds it expedient to do so, contains no compulsory provisions similar to those of sections 187 and 190 of the Act of 1865. This concession was deliberately made with a view to save Natives of India unnecessary trouble and expense, in uncontested cases, and it is clear that by reason of it Native Christians are in a less favourable position than other Natives who differ from them only in respect of their religious belief.

3. The Government of India are of opinion that the considerations which prompted the granting of the concession above explained to the vast majority of Natives of India, have equal force when applied to the case of such as are Christians. The Act of 1865 was originally designed for Europeans and other persons with a foreign domicile resident in India, and it is due only to the fact that Natives on their conversion to Christianity *ipso facto* cease to be governed by the Indian laws of succession, that, though Asiatics domiciled in the country, they fall within the purview of that Act.

4. To remove these grievances more than one course has been proposed, but that which commends itself to the Government, is the exemption of Native Christians from the provisions of sections 16, 17, 18, 37 and 64 of the Administrator General's Act, 1874. This will do for them precisely what was done for Parsis by the amending Act IX of 1881; *i.e.*, it will relieve them from the interference of the Administrator General in certain cases, and will enable them to avoid taking out probate, and, therefore, to escape payment of probate duty, in cases where the assets can be amicably distributed. Such action, though it will not place Native Christians on terms of absolute equality with other natives of India, will, it is thought, be an adequate recognition of their grievances. The present Bill has been prepared accordingly.

C. M. RIVAZ.

The 15th January, 1901.

J. M. MACPHERSON,
Secretary to the Government of India.

The Calcutta Gazette.

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WEDNESDAY, FEBRUARY 13, 1901.

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PART VI.

Bills introduced into the Council of the Governor General for making
Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th February, 1901 :—

NO. 4 OF 1901.

A Bill to consolidate and amend the Law relating to the Extradition and Rendition of Criminals.

WHEREAS it is expedient to consolidate and amend the law relating to the extradition and rendition of criminals; It is hereby enacted as follows :—

Preliminary.

1. (1) This Act may be called the *Indian Extradition Act, 1901*,
Short title, extent and commencement.

(2) It extends to the whole of British India (including British Baluchistan, the Sonthal Parganas and the Pargana of Spiti).

(3) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, may direct.

[XXI of 1879, s. 3.] 2. In this Act, unless there is anything repugnant in the subject or context,

(a) "European British subject" means a

European British subject as defined by the Code of Criminal Procedure for the time being in force of 1898.

(b) "conviction" and "convicted person" do not include a conviction or a person convicted for contumacy under foreign law; but "accused person" includes a person convicted for contumacy under foreign law: [33 & 34 Vict., c. 52, s. 26.]

(c) "extradition offence" means any such offence as is described in the first schedule: [Ibid.]

(d) "High Court" means the High Court as defined by the Code of Criminal Procedure for the time being in force: [New.]

(e) "offence" includes any act wheresoever committed which would, if committed in British India, constitute an offence: [New.]

(f) "rules" include forms: and [New.]

(g) "warrant", in the case of any foreign State, includes any judicial document authorizing the arrest of any person accused or convicted of an offence. [33 & 34 Vict., c. 52, s. 26.]

Surrender of Fugitive Criminals.

3. (1) Where a requisition is made to the Government of India or to any Local Government by the Government of any country or place outside British India that a person accused of having committed an offence in such country or place should be surrendered, the Government of India or the Local Government, as the

(3) *Case may be, may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the offence if it had been committed within the local limits of his jurisdiction, directing him to inquire into such accusation.*

(2) The Magistrate so directed shall issue a Summons or warrant summons or warrant for arrest. the arrest of the accused according as the offence named appears to be one for which a summons or warrant would ordinarily issue.

(3) The Magistrate shall inquire into the accusation and shall take such evidence as may be produced in support of the requisition and on behalf of the accused, including any evidence which may be tendered to show that the offence named is not an extradition offence.

(4) If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition, he may commit the accused person to prison to await the orders of the Government of India or the Local Government, as the case may be.

(5) The Magistrate shall report the result of his inquiry to the Government of India or the Local Government, as the case may be, and shall forward, together with such report, any written statement which the accused person may desire to submit for the consideration of the Government.

(6) If the Government of India or the Local Government, as the case may be, is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to the High Court, and the accused person shall not be surrendered until such question has been decided.

(7) If, upon receipt of such report and statement or upon the decision of any such question, the Government of India or the Local Government, as the case may be, is of opinion that the accused person ought to be surrendered, it may issue a warrant for the custody and removal of such accused person and for his delivery at a place and to a person to be named in the warrant.

4. (1) If it appears to a Magistrate that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in any country or place outside British India and that such person may lawfully be surrendered to the Government of such country or place, or that a warrant may be issued for his arrest under section 5 of this Act or under the Fugitive Offenders Act, 1881, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such

person on such information or complaint and on such evidence as would, in his opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction.

(2) The Magistrate shall forthwith report the issue of a warrant under this section to the Local Government, and, if the offence appears or is alleged to have been committed in a country or place for which there is a Political Agent, he shall also forthwith report the same to such Political Agent.

(3) A person arrested on a warrant issued under this section shall not be detained more than two months, or, in case under the Fugitive Offenders Act, 1881, more than one month, unless within such period the Magistrate receives an order made with reference to such person under section 3 of this Act, or a warrant for the arrest of such person under section 5 of this Act or under the Fugitive Offenders Act, 1881.

(4) In the case of a person arrested or detained under this section, the provisions of the Code of Criminal Procedure for the time being in force shall apply in the same manner as if such person were accused of committing in British India the offence with which he is charged.

Surrender to Political Agents.

5. (1) Where an extradition offence has been committed or is supposed to have been committed by a person, not being a European British subject, in any country or place outside British India, and such person escapes into or is in British India, and the Political Agent in or for such country or place issues a warrant, addressed to the Magistrate of any district in which such person is believed to be, for his arrest and delivery at a place and to an officer to be named in the warrant, such Magistrate may act in pursuance of such warrant and may give directions accordingly.

(2) A warrant issued as mentioned in sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall, unless released in accordance with the provisions of this Act, be forwarded to the place and delivered to the officer named in the warrant.

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a

[XXI of 1879, s. 15.]

Warrant issued by Magistrate without order.

44 & 45 Vict., c. 69.

V of 1898. [New.]

Magistrate under this section as if the warrant had been issued by himself.

[XXI of 1879,
s. 12A.]

6. (1) Where a Political Agent has directed Release on giving by endorsement on any security. such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before the officer named in the warrant, at a specified time and place, the Magistrate to whom the warrant is addressed shall take such security and release such person from custody.

(2) Where security is taken under this section, Magistrate to retain the Magistrate shall certify bond. the fact to the Political Agent who issued the warrant, and shall retain the bond.

[Ibid,
12B.]

(3) If the person bound by any such bond Re-arrest in case of does not appear at the default. place and time stated, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to the officer named in the bond.

[Ibid,
12C.]

(4) In the case of any bond executed under this section, the Magistrate Power to take deposit in lieu of bond, may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties.

V. of 1898.

Crimes committed at sea.

[New.]

7. Where the Government of any country or Extradition offence place outside British India committed at sea. makes a requisition for the surrender of a person accused of an extradition offence committed on board any vessel on the high seas which comes into any port of British India, the Local Government and a Magistrate having jurisdiction in such port may exercise the powers conferred by this Act.

Convicted Persons: Abetment, etc.

[New.]

8. (1) The provisions of this Act with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in any country or place outside British India, has escaped into or is in British India before his sentence has expired.

[36 & 37
Vict., c. 60,
s. 3.]

(2) Every person who is accused or convicted of abetting any extradition offence, or of assisting the escape of any person accused of an extradition offence, shall be deemed, for the purposes of this Act, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

9. (1) A person accused of an offence committed within British India, not being the offence for which his surrender is asked, or undergoing sentence under any conviction in British India, shall not be surrendered or handed over to the Government of any country or place outside British India, until after he has been discharged, whether by acquittal or by expiration of his sentence or otherwise.

(2) Where a person accused or convicted of any offence is surrendered to the Government of India or to any Local Government by the Government of any country or place outside British India, such person shall not, until he has been restored or had an opportunity of returning to such country or place, be triable or tried for any offence committed prior to his surrender other than such offence or offences as may be proved by the facts on which the surrender is grounded. [Ibid, s. 19]

General Provisions.

10. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Act, to receive, hold in custody and convey the person mentioned in the warrant to the place named in the warrant, and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape. [New.]

Lawfulness of arrest and re-taking.

11. The Government of India or the Local Government may, by order, stay any proceedings taken under this Act, and may direct any warrant issued under this Act to be cancelled, and the person for whose arrest such warrant has been issued to be discharged. [New.]

Power of Government to discharge persons in custody.

12. The provisions of this Act shall apply to an offence or to an extradition offence, as the case may be, committed before the passing of this Act, and to an offence in respect of which a Court of British India has concurrent jurisdiction. [New.]

Application of Act to crimes committed before its commencement.

Evidence.

13. (1) In any proceedings under this Act, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof, and official certificates of facts and judicial documents stating facts, may, if duly authenticated, be received as evidence. [33 & 34
Vict., c. 52
ss. 14, 15.]

Exhibits, depositions, etc.

(3) Warrants, depositions or statements on which purport to have been issued, received or taken by any Court of Justice outside British India, or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such Court, shall be deemed duly authenticated,—

- (a) if the warrant purports to be signed by a Judge, Magistrate or Officer of the State or country where the same was issued or acting in or for such State or country;
- (b) if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge, Magistrate or Officer of the State or country where the same were taken, or acting in or for such State or country, to be the original depositions or statements or to be true copies thereof, as the case may require;
- (c) if the certificate of, or judicial document stating the fact of, a conviction purports to be certified by a Judge, Magistrate or Officer of the State or country where the conviction took place or acting in or for such State or country;
- (d) if the warrants, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the same were respectively issued, taken or given.

[XXI of 1879, s. 19.]

Evidence on commission in criminal matter.

14. (1) The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in any country or place outside British India in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included a criminal proceeding.

(2) No proceeding shall be taken under this section where the offence is of a political character, unless the evidence is required for a British Court or tribunal.

(3) If any question arises as to the political character of the offence, the matter shall be referred to the Governor General in Council for determination.

Fugitive Offenders from one part of Her Majesty's dominions to another.

[Sec. 44 & 45 Vict. c. 69, s. 32.]

15. For the purpose of applying and carrying into effect in British India the provisions of the Fugitive Offenders Act, 1881.

Act, 1881, the following provisions are hereby made:—

41 & 45 Vict., c. 69.

- (a) the powers conferred on "Governors" of British possessions may be exercised by any Local Government;
- (b) the powers conferred on a "Superior Court" may be exercised by any Judge of a High Court;
- (c) the powers conferred on a "Magistrate" may be exercised by any Magistrate of the first class or by any Magistrate empowered by the Local Government in that behalf;
- (d) the offences committed in British India to which the Act applies, are piracy, treason and any offence punishable under the Indian Penal Code with rigorous imprisonment for a term of twelve months or more or with any greater punishment.

Rules.

16. (1) The Governor General in Council may make rules to carry out the purposes of this Act. [XXI of 1879, s. 18]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the confinement, diet and prison discipline of British subjects (whether Europeans or others) imprisoned by Political Agents under this Act;
- (b) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them;
- (c) the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies;
- (d) the pursuit and arrest in British India, by officers of the Thagi and Dakaiti Department or other specially authorized persons, of persons accused of extradition offences committed elsewhere; and
- (e) the procedure and practice to be observed in extradition proceedings.

(3) Rules made under this section shall have effect as if enacted by this Act.

Saving for Treaties.

17. Nothing in this Act shall derogate from the provisions of any treaty for the extradition of offenders, and the procedure provided by any such treaty shall be, [1879, s. 1, last para.]

followed in any case to which it applies, and the provisions of this Act shall be modified accordingly.

Repeal.

[XXI of 1879, s. 2] 18. The Acts mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

EXTRADITION OFFENCES.

[See section 2, clause (c).]

[The sections referred to are the sections of the Indian Penal Code.]

Culpable homicide (sections 299 to 304).

Attempt to murder (section 307).

Thagi (sections 310, 310A).

Causing hurt (sections 323 to 333).

Resistance to arrest (section 224).

Offences relating to coin and stamps (sections 230 to 263A).

Forgery, using forged documents, etc. (sections 463 to 477).

Cheating (sections 415 to 420).

Fraudulent deeds, etc. (sections 421 to 424).

Frauds upon creditors (section 206).

Rape and unnatural offences (sections 375 to 377).

Wrongful confinement (sections 347, 348).

Kidnapping and slavery (sections 360 to 373).

Causing miscarriage, and abandonment of child (sections 312 to 317).

Theft, extortion, robbery, etc. (sections 378 to 414).

Mischief (sections 425 to 440).

Lurking house-trespass (sections 443, 446).

Desertion from any body of Imperial Service Troops.

Piracy by law of nations.

Sinking or destroying a vessel at sea or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Any offence against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Governor General in Council by notification in the Gazette of India.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 18.)

Year.	No.	Short title.	Extent of repeal.
1879	XXI	The Foreign Jurisdiction and Extradition Act, 1879.	In the title, the words "and for the extradition of criminals." In the preamble, the words "and to the extradition of criminals." In section 1, the words "and Extradition" and the last sentence; sections 11 to 17A; clause (2) of section 18; section 19; and the Schedule.
1895	IX	The Extradition (India) Act, 1895.	The whole Act.
1896	V	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896.	The whole Act.

STATEMENT OF OBJECTS AND REASONS.

ALTHOUGH the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), has since its enactment been amended and supplemented on more than one occasion, practical difficulties still arise in its administration, and not a few questions may be raised as to its scope and the construction of some of its provisions. Thus, as regards extradition, the Government have, on the one hand, been confronted with the advice that section 14 of the Act has no application to a requisition for surrender made by a Native State in India; while, on the other, a doubt suggested as to whether the section can be applied where such a demand is presented by or on behalf of an European State led a few years ago to the passing of a supplementary enactment in the form of the Extradition (India) Act, 1895 (IX of 1895). Next, it has been pointed out that the law, as it stands, contemplates the extradition of "accused" or "suspected" persons only, the result being that there is no procedure applicable to the case of a convicted criminal who has escaped into British India or has been surrendered on the demand of the British Government. Again, the passing of the Fugitive Offenders Act, 1881 (44 & 45 Vict., c. 60), has introduced, in respect of criminals seeking refuge from other parts of His Majesty's dominions, a procedure which is not consistent with that prescribed by the law of British India. Various matters of administrative importance, moreover, such as the means of enforcing, by proclamation and attachment against absconders, warrants issued in extradition proceedings, and the method of dealing with applications for the surrender of persons under trial or sentence in British India for offences other than those for which their extradition is desired, are still unprovided for. And, finally, as regards foreign jurisdiction, the provisions of the law are surrounded by difficulties, some of which do not merely refer to matters of construction, but go to the root of the legislation represented by the Act of 1879 by raising doubts as to the extent of its validity. For, regard being had to the comparatively limited powers possessed by the Legislature in India, it would seem that the exercise of foreign jurisdiction is a matter which cannot be fully and effectively provided for by an Act passed by the Governor General in Council at a meeting held for the purpose of making laws and regulations.

2. In these circumstances, the necessity for further legislation has for some time past been engaging the attention of the Government of India, and is, it is thought, established. The proposals at first formulated took the shape of a consolidating and amending Bill, repealing and re-enacting, with the modifications desired, the whole of the Act of 1879, which relates, as its short title indicates, to both foreign jurisdiction and extradition. But the two subjects are, in reality, quite distinct; in England they are dealt with by different Statutes, while in India they were, prior to 1872, similarly dealt with by Acts I of 1849 and VII of 1854; and the Courts before which extradition cases come for disposal, are by no means always the same as those which have to exercise foreign jurisdiction. Although, then, it appears to have been deliberately decided, when Act XI of 1872, eventually superseded by Act XXI of 1879, was passed, to "frame a general Act relating to foreign jurisdiction and extradition," the Government of India have, after careful consideration and communication with His Majesty's Secretary of State, arrived at the conclusion that the law will probably be clearer and more intelligible if the two matters are once more kept apart; and it is on this basis that the question is now approached.

3. The present Bill is exclusively confined to the subject of extradition. The legislation required in this country has to make provision for the extradition of criminals in cases of two different kinds. The Government here may, in the first place, be asked by a friendly State to surrender a person in fulfilment of the obligations imposed by a treaty to which the Extradition Act, 1870 (33 & 34 Vict., c. 52), applies; and, where this is so, it seems expedient that the provisions of the English Statute—and more especially those which are intended for the protection of accused persons—should be followed as closely as may be. In the second place, the surrender of an accused or convicted person may be sought by a Native State in India, or by a neighbouring Asiatic State, in pursuance of the terms of a treaty or friendly understanding to which the Government of India is a party; and in such a case it is desirable and sufficient that the procedure prescribed should be both simple and expeditious. This distinction has been observed in the present Bill; the details of which are explained in the annexed *Notes on Clauses*.

T. RALEIGH.

The 7th February, 1901.

Notes on Clauses.

Clause 2.—The definitions of "conviction," "convicted person," "accused person," "extradition offence" and "warrant" have been taken from s. 26 of the Extradition Act, 1870 (33 & 34 Vict., c. 52).

The expression "rules" has been defined so as to include forms, as is not infrequently done in English Statutes. It may be useful to prescribe forms for the guidance of officers proceeding under the proposed Act, and it is important that the sufficiency of any forms so prescribed should be recognized.

The definition of "Political Agent," which is to be found in Act XXI of 1879, has been omitted, as it has been given a place in the General Clauses Act, 1897 (X of 1897), s. 3 (40).

Clause 3.—The procedure here laid down has, for the reason already given, been modelled on the Statute of 1870, and follows the English procedure as closely as the circumstances of this country will permit. The person whose surrender is sought for under it, will have a right to submit a statement showing cause against his extradition; and, if an important question of law is raised thereby, it may be referred for decision to the High Court. It is apprehended that in ordinary cases no such reference will be necessary, and it has been left entirely to the Executive Government to decide whether or not any reference should be made.

The clause, like the corresponding provisions in the Acts of 1872 and 1879, refers to all offences. By the Act of 1854, however, the provision was confined to "heinous offences," and it should perhaps be considered whether it might not with advantage here be limited to "extradition offences."

In sub-clause (1) the words "if it thinks fit" have been inserted in order to make it as clear as possible that there are cases in which the Government may decline to order any judicial inquiry; as, for example, where the alleged offence is merely political, where it is obviously trivial, or where there is an ulterior motive or an absence of good faith.

Sub-clause (2) is entirely new. Under the English Statute, the test for extradition is whether the Magistrate would commit for trial. The Indian Act of 1879 fixes no test and leaves it to the Government to determine, as best it can, whether the person concerned should be surrendered or not. But surely the Government ought not to be called upon to decide that question unless a *prima facie* case at least has been disclosed to the Magistrate, and the sub-clause has been drawn accordingly.

In order that clause 3 may be thoroughly effective, it may be thought expedient to issue a confirming Order of His Majesty in Council suspending the operation in India of the Statute of 1870. Section 23 of that Statute governs Asiatic treaties; but, when an extradition treaty has been made by the Government in England and the Statute is applied by Order in Council, the Statute apparently applies throughout His Majesty's Dominions unless the Order expressly excepts any part of them. The consequence is that the procedure under the Statute will oust the procedure under any Indian Act, if the person to be extradited belongs to a country which has an extradition treaty with England. The inconvenience likely to arise from the supersession of the local by the unfamiliar English procedure appears to have been considered and provided for by Parliament; for s. 18 of the Statute enacts that, if the Legislature of any British possession passes an extradition law, an Order in Council may either suspend the operation of the Statute in that possession, or direct that the local law shall have effect as if it were part of the Statute. If such an Order should be made, then the Extradition (India) Act, 1895 (IX of 1895), which aims at adapting the Statute of 1870 to India, may, as proposed by clause 18 of the Bill, be repealed, and all extraditions from British India, other than those effected through Political Agents as contemplated by clause 5, would thereafter be governed by the provisions of clause 3.

Clause 4.—In sub-clause (1) a reference to cases falling under the Fugitive Offenders Act, 1881 (44 & 45 Vict., c. 69), has been inserted, and in this connection sub-clause (3) has been amplified because the period of detention authorized by that Statute is only one month.

The provisions of paragraph 2 of s. 15 of the Act of 1879 have been recast in sub-clause (2) so as to require a report to the Local Government in every case.

Clause 5.—Where surrender is applied for through a Political Agent, which is the practice almost invariably followed in the case of extradition to any Native State in India, a simple and expeditious procedure is, as has already been stated, all that seems to be required. No inquiry by the Magistrate to whom the warrant is addressed is necessary, and no reference to the High Court need be provided for.

Sub-clause (3) has been added in order to remove all doubt as to the applicability, in the case of warrants in extradition proceedings, of the useful provisions of the Criminal Procedure Code as to the proclamation of absconders and the attachment of their property.

Clause 7.—This is a new provision, which may be found useful.

Clause 8.—As already stated, Act XXI of 1879 is apparently confined to the extradition of "accused" or "suspected" persons. Sub-clause (1) of this clause is intended to cover the case of an escaped convict and also that of a person who is serving a sentence for another offence in a Native State at the time when his extradition is demanded by the British Government. A case of the latter kind actually occurred, and the Native State concerned agreed to hand over the criminal on the condition that, when he had been dealt with in British India for his offence there, he should be returned to undergo the unexpired portion of his sentence. It was found, however, that there was no law which directly authorized such return.

Sub-clause (2), which is new, aims at extending the provisions of the proposed Act to abettors. It is borrowed from section 3 of the Extradition Act, 1873 (36 & 37 Vict., c. 60).

Clause 9.—These new provisions have been included with the object of expressly laying down the law where application is made for the extradition of a person undergoing a sentence in British India, or where a person is extradited to British India for one offence and appears to have committed another offence prior to his surrender for the first. Sub-clauses (1) and (2) have been taken from the Extradition Act, 1870 (33 & 34 Vict., c. 52), sections 3 (3) and 19, respectively.

Clause 10 will make it clear that a person for whose extradition a warrant is issued, may, for the purposes of his extradition, lawfully be arrested, confined and retaken in the event of escape.

Clause 11.—It is thought expedient that the executive should have power to interfere at any stage, if for any reason it be deemed desirable to stay extradition proceedings in a particular case.

Clause 12 is new, but requires no explanation.

Clause 13.—These provisions are copied from sections 14 and 15 of the Extradition Act, 1870 (33 & 34 Vict., c. 52). Cf. also section 29 of the Fugitive Offenders Act, 1881 (44 & 45 Vict., c. 69).

Clause 14.—Section 19 of the Act of 1879 provides that evidence shall not be taken on commission by a Court in British India when the alleged offence is of a political character, but it does not provide by what authority that question is to be determined. It is suggested by sub-clause (3) of this clause that the Governor-General in Council is the proper authority. It will be observed that cases in which evidence is required for a British Court or tribunal, have, by the addition of a few words to sub-clause (2), been excepted from the general rule against the taking of evidence on commission.

Clause 15.—By this clause it is proposed to exercise the powers conferred by section 32 of the Fugitive Offenders Act, 1881 (44 & 45 Vict., c. 69).

Clause 16.—The rule-making power has been somewhat enlarged, and in particular provision has been made for dealing with the surrender of property as well as of criminals, and for the pursuit and arrest in British India of persons accused of extradition offences committed elsewhere. All rules made—and, therefore, forms prescribed—under the Act will be placed beyond the range of criticism by being declared to have effect as if enacted by the Act itself.

Clause 17.—This clause is taken, with some drafting alterations, from the concluding portion of s. 1 of the Act of 1879. It is thus restored to the position which it occupied in the Act of 1872.

J. M. MACPHERSON,
Secretary to the Government of India.